

EXHIBIT A

**Depositions of Federal Witnesses (CMS/HCFA/OIG) in
In re Pharmaceutical Wholesale Pricing Litigation, MDL 1456**

Witness Name	Federal Agency and Title/Responsibility	Noticed	Cross Noticed or Appearances Beyond Underlying Action	Deposition Dates	Defendant Appearances
Bailey, Glenda 30(b)(6) - CMS	CMS, Office of Strategic Operations and Regulatory Affairs – Correspondence Management. Handler of document subpoena and production requests.	<i>U.S. ex rel. Ven-A-Care of the Florida Keys, Inc. v. Abbott Laboratories, Inc.</i> , MDL 1456 (“MDL Abbott Case”). <i>See</i> Exhibit E.	Not found on Lexis/Nexis. Appearances by multiple defendants in NY Counties’ case, including at least one generic manufacturer defendant.	3/20/2007	Abbott, Schering-Plough, Schering, Warrick, Dey, Roxane, Boehringer Ingelheim, AztraZeneca, Baxter. <i>See</i> Exhibit E-1.
Bassano, Amy	CMS – Director of Practitioner Services (2006 -), Director of Ambulatory Services (2005-2006); HCFA, Office of Legislation (1999-2000).	MDL Abbott Case. <i>See</i> Exhibit F.	Not found on Lexis/Nexis. Appearances by multiple defendants in NY Counties’ case, including at least one generic manufacturer defendant.	11/7/2007	Abbott, Dey, Roxane, Boehringer Ingelheim, Baxter. <i>See</i> Exhibit F-1.
Berenson, Robert	HCFA – Deputy Administrator (2000-2001); HCFA Center for Health plans and Providers – Director (1998-2001)	MDL Abbott Case	Cross-Notice relates to “ALL CASES IN MDL 1456” in which Abbott is named or appeared. <i>See</i> Exhibit G.	12/18/2007	Schering, Schering-Plough, Warrick, Abbott, Bristol-Myers Squibb, Dey Inc, Dey LP, Mylan, Roxane, Boehringer Ingelheim. <i>See</i> Exhibit G-1.
Booth, Charles	Director of the Office of Hospital Policy, Bureau of Policy Development; director of Financial services in the Office of Financial Management for the HCFA	MDL Abbott Case	Cross-Notice relates to “ALL ACTIONS” in which Schering, Schering Plough or Warrick have been named, appeared or served. <i>See</i> Exhibit H.	4/23/07, 10/29/07	<i>Day 1 (4/23/07)</i> : Schering, Schering-Plough, Warrick, Baxter, Abbott, Sandoz, AstraZeneca, Johnson & Johnson, Bristol-Myers Squibb, Dey Inc, Dey LP, Par, Aventis, Roxane Laboratories, Boehringer Ingelheim, GlaxoSmithKline, Amgen. <i>See</i> Exhibit H-1.
Bowen, Maryann	Office of Information Services, CMS, management-type functions-personnel training, administrative functions of running the facility	MDL Abbott Case. <i>See</i> Exhibit I.	Not found on Lexis/Nexis. Appearances by multiple defendants in NY Counties’ case, including at least one generic manufacturer defendant.	6/5/2007	Abbott, Dey, Mylan, Baxter. <i>See</i> Exhibit I-1.

**Depositions of Federal Witnesses (CMS/HCFA/OIG) in
In re Pharmaceutical Wholesale Pricing Litigation, MDL 1456**

Witness Name	Federal Agency and Title/Responsibility	Noticed	Cross Noticed or Appearances Beyond Underlying Action	Deposition Dates	Defendant Appearances
Buto, Kathleen	Director - HCFA, Office of Executive Operations	MDL Abbott Case	Cross-Notice relates to "ALL ACTIONS" in which Schering, Schering Plough or Warrick have been named, appeared or served. <i>See</i> Exhibit J.	9/12/07, 9/13/07	<i>Day 1 (9/12/07):</i> Abbott, Sandoz, Johnson & Johnson, BMS, Dey, Mylan, Roxane, Boehringer-Ingelheim, Aventis, Sanofi Synthelabo, Schering, Schering-Plough, Warrick, Baxter. <i>See</i> Exhibit J-1. <i>Day 2 (9/12/07):</i> same as previous day. <i>See</i> Exhibit J-1.
Bruce, Tamara 30(b)(6)	Technical Director, CMS, Drug Rebates Operations Division of State Systems	<i>U.S. ex rel. Ven-A-Care of the Florida Keys, Inc. v. Dey, Inc. et al.</i> , MDL 1456 ("MDL Dey Case"). <i>See</i> Exhibit K.	Not found on Lexis/Nexis. Appearances by at least one generic manufacturer defendant.	11/6/2008	Dey. <i>See</i> Exhibit K.
Bryant, Joseph 30(b)(6)	Vital Records Liaison, CMS – Custodian of Records	MDL Abbott Case. <i>See</i> Exhibit L.	Not found on Lexis/Nexis. Appearances by multiple defendants in NY Counties' case, including at least one generic manufacturer defendant.	11/15/2007	Abbott, Dey Inc, Dey LP, Roxane, Boehringer Ingelheim. <i>See</i> Exhibit L-1.

**Depositions of Federal Witnesses (CMS/HCFA/OIG) in
In re Pharmaceutical Wholesale Pricing Litigation, MDL 1456**

Witness Name	Federal Agency and Title/Responsibility	Noticed	Cross Noticed or Appearances Beyond Underlying Action	Deposition Dates	Defendant Appearances
DeParle, Nancy Ann	Administrator of HCFA 1997-2000	MDL Abbott Case	Cross-Notice relates to "ALL ACTIONS" in which Schering, Schering Plough or Warrick have been named, appeared or served. <i>See</i> Exhibit H.	5/18/07, 12/5/07	<i>Day 1 (5/18/07):</i> Abbott, Schering-Plough, Schering, Warrick, Sandoz, Johnson & Johnson, Dey, Mylan, Roxane, Boehringer Ingelheim, Aventis, AztraZeneca, Amgen, Baxter. <i>See</i> Exhibit H-2. <i>Day 2 (12/5/07):</i> Abbott, Schering-Plough, Schering, Warrick, Sandoz, Johnson & Johnson, Dey, Mylan, Roxane, Boehringer Ingelheim, Aventis, AztraZeneca, Amgen, Baxter, GlaxoSmithKline. <i>See</i> Exhibit H-2.
Duzor, Deidre	Director of Quality Systems Management, CMS, Director of Pharmacy Division for Medicaid at CMS	MDL Abbott Case	Cross-Notice relates to "ALL CASES IN MDL 1456" in which Abbott is named or appeared. <i>See</i> Exhibit M.	10/30/07, 3/26/08	<i>Day 1 (10/30/07):</i> Abbott, Bristol-Myers Squibb, Dey Inc, Dey LP, Mylan, Roxane, Boehringer Ingelheim, Schering-Plough, Schering, Warrick, Baxter. <i>See</i> Exhibit M-1.
Gaston, Sue	HCFA-Health Insurance Specialist, Team lead for dispute resolution of Medicaid	MDL Abbott Case	Cross-Notice relates to "ALL CASES IN MDL 1456" in which Abbott is named or appeared. <i>See</i> Exhibit N.	1/24/08, 3/19/08	<i>Day 1 (1/24/08):</i> Abbott, Aventis, Sanofi Sythelabo, BMS, Dey, Mylan, Boehringer Ingelheim, Roxane, Sandoz, Endo, Ethex, Schering, Schering-Plough, Warrick. <i>See</i> Exhibit N-1. <i>Day 2 (3/19/08):</i> Abbott, Aventis, Sanofi Sythelabo, BMS, Dey, Mylan, Boehringer Ingelheim, Roxane, Sandoz, Ethex, Schering, Schering-Plough, Warrick. <i>See</i> Exhibit N-1.

**Depositions of Federal Witnesses (CMS/HCFA/OIG) in
In re Pharmaceutical Wholesale Pricing Litigation, MDL 1456**

Witness Name	Federal Agency and Title/Responsibility	Noticed	Cross Noticed or Appearances Beyond Underlying Action	Deposition Dates	Defendant Appearances
Gustafson, Tom	CMS, Deputy Director (2003-2007); HFCA, Hospital and Ambulatory Policy Group (1998-2003); HFCA, Office of Research and Demonstrations (1996-1998); HFCA, Office of Legislation and Policy (1985-1996)	MDL Abbott Case	Cross-Notice relates to "ALL ACTIONS" in which Schering, Schering Plough or Warrick have been named, appeared or served. <i>See</i> Exhibit O.	9/28/07, 12/17/07	<i>Day 1 (9/28/07):</i> Abbott, Sandoz, Bristol-Myers Squibb, Dey Inc, Dey LP, Mylan, Roxane, Boehringer Ingelheim, Aventis and Sanofi Synthelabo, Schering-Plough, Schering, Warrick, Baxter. <i>See</i> Exhibit O-1. <i>Day 2 (12/17/07):</i> Abbott, Bristol-Myers Squibb, Dey Inc, Dey LP, Mylan, Roxane, Boehringer Ingelheim, Schering-Plough, Schering, Warrick. <i>See</i> Exhibit O-1.
Hansford, Cynthia	Office of Evaluations and Inspections, OIG, Department of Health and Human Services – Program Assistant (1994-), Secretary (1991-1993), Clerk Typist (1987-1991)	MDL Abbott Case	Cross-Notice relates to "ALL CASES IN MDL 1456" in which Abbott is named or appeared. <i>See</i> Exhibit P.	3/14/2007	Dey, Pfizer, Johnson & Johnson, Scheirng, Warrick, Roxane, Boehringer Ingelheim, BMS, Amgen, Baxter, Abbott. <i>See</i> Exhibit P-1.
Hardwick, Claire	Centers for Medicaid and State Operations, Office of Clinical Standards and Quality	MDL Abbott Case	Cross-Notice relates to "ALL CASES". <i>See</i> Exhibit Q.	6/6/2007	Abbott, Dey, Mylan, Roxane, Boehringer-Ingelheim, Baxter. <i>See</i> Exhibit Q-1.
Hoover, John W.	CMS, Divisiol of Financial Operation - Technical Director (2004-2007); Grants Specialist (1977-2003)	MDL Abbott Case	Cross-Notice relates to "ALL CASES IN MDL 1456" in which Abbott is named or appeared. <i>See</i> Exhibit R.	12/18/2007	Abbott, Dey Inc., Dey L.P., Bristol-Myers Squibb, Roxane, Boehringer Ingelheim, Schering-Plough, Schering, Warrick. <i>See</i> Exhibit R-1.
Morris, Richard	HCFA Associate Regional Administrator '81-Retirement, Responsible for pgm operations-policy interpretation, state Medicaid plan approvals	MDL Abbott Case	Cross-Notice relates to "ALL ACTIONS" in which Schering, Schering Plough or Warrick have been named, appeared or served. <i>See</i> Exhibit S.	8/29/2007	<i>8/29/2007:</i> Abbott, GalxoSmithKline, Roxane, Boehringer Ingelheim, Bristol-Myers Squibb, Myland, Dey, Sandoz, Barr, Schering, Schering-Plough, Warrick, AstraZeneca, Aventis. <i>See</i> Exhibit S-1.

**Depositions of Federal Witnesses (CMS/HCFA/OIG) in
In re Pharmaceutical Wholesale Pricing Litigation, MDL 1456**

Witness Name	Federal Agency and Title/Responsibility	Noticed	Cross Noticed or Appearances Beyond Underlying Action	Deposition Dates	Defendant Appearances
Niemann, Robert	Bureau of Policy Development, Drug payment policy and ambulance payment policy, CMS	MDL Abbott Case	Cross-Notice relates to "ALL ACTIONS" in which Schering, Schering Plough or Warrick have been named, appeared or served. <i>See</i> Exhibit T.	9/14/07, 10/11/07	<i>Day 1 (9/14/2007):</i> Schering, Schering-Plough, Warrick, Abbott, Sandoz, BMS, Dey LP, Dey Inc, Mylan, Aventis, Roxane, Boehringer-Ingelheim, Baxter. <i>See</i> Exhibit T-1 <i>Day 2 (10/11/2007):</i> Roxane, Boehringer Ingelheim, Schering, Schering-Plough, Warrick, Abbott, Baxter, Sandoz, BMS, Aventis, Dey, Mylan. <i>See</i> Exhibit T-1
Parker, Lisa	Office of Strategic Operations of Regulatory Affairs, CMS	MDL Abbott Case <i>See</i> Exhibit U.	Not found on Lexis/Nexis. Appearances by multiple defendants in NY Counties' case, including at least one generic manufacturer defendant.	6/6/2007	6/6/2007 : Abbott, Dey, Mylan, Roxane, Boehringer Ingelheim, Baxter. <i>See</i> Exhibit U-1.
Ragone, Linda	Office of Evaluations and Inspections, OIG, US Dept of Health	MDL Abbott Case	Cross-Notice relates to "ALL ACTIONS" in which Schering, Schering Plough or Warrick have been named, appeared or served. <i>See</i> Exhibit H.	4/17/07, 4/18/07	<i>Day 1 (4/17/07):</i> Abbott, Dey, Sandoz, Roxane, Boehringer Ingelheim, Warrick, Schering, Schering-Plough, Amgen, Bristol-Myers Squibb, AstaZeneca, Barr, Baxter. <i>See</i> Exhibit H-3. <i>Day 2 (4/18/07):</i> same as previous day. <i>See</i> Exhibit H-3.

**Depositions of Federal Witnesses (CMS/HCFA/OIG) in
In re Pharmaceutical Wholesale Pricing Litigation, MDL 1456**

Witness Name	Federal Agency and Title/Responsibility	Noticed	Cross Noticed or Appearances Beyond Underlying Action	Deposition Dates	Defendant Appearances
Reed, Larry	HCFA Baltimore-Leadership Development Program, Branch Chief Processing policy division, Branch chief Medicaid Non-Institutional Payment Policy Branch	MDL Abbott Case	Cross-Notice relates to "ALL CASES IN MDL 1456" in which Abbott is named or appeared. <i>See</i> Exhibit V.	9/26/07, 9/27/07, 3/18/08, 3/20/08, 10/2/08, 10/22/08	<i>Day 1 (9/26/07):</i> Abbott, Dey Inc, Roxane, Boehringer Ingelheim, GalxoSmithKline, Bristol-Myers Squibb, Baxter, Sandoz. <i>See</i> Exhibit V-1. <i>Day 2 (9/27/07):</i> Abbott, Dey Inc, Roxane, Boehringer Ingelheim, GalxoSmithKline, Bristol-Myers Squibb, Baxter, Sandoz, Schering-Plough, Schering, Warrick. <i>See</i> Exhibit V-1. <i>Day 3 (3/18/2008):</i> Abbott, BMS, Dey, Mylan, Roxane, Boehringer Ingelheim, Sandoz, Schering, Schering-Plough, Warrick. <i>See</i> Exhibit V-1. <i>30(b)(6) 3/20/2008:</i> Abbott, BMS, Dey, Mylan, Roxane, Boehringer Ingelheim, Sandoz, Schering, Schering-Plough, Warrick. <i>See</i> Exhibit V-1.
Richter, Elizabeth	Acting Director, Center for Medicare Management , CMD; Hospital and Ambulatory Policy Group, CMS; Health Plans and Providers, CMS	MDL Abbott Case	Cross-Notice relates to " <i>U.S. ex rel. Ven-A-Care of the Florida Keys, Inc. v. Boehringer Ingelheim Corporation et al.</i> , MDL 1456 ("MDL Roxane Case"). <i>See</i> Exhibit W.	12/7/2007	Abbott, Dey Inc., Dey L.P., Roxane, Boehringer Ingelheim, Schering-Plough, Schering, Warrick. <i>See</i> Exhibit W-1.
Robey, Vickie 30(b)(6)	Records Management, Center of Medicare and Medicaid Services	MDL Abbott Case. <i>See</i> Exhibit X.	Not found on Lexis/Nexis. Appearances by multiple defendants in NY Counties' case, including at least one generic manufacturer defendant.	3/20/2007	Abbott, Astrazeneca, Dey, Roxane, Boehringer-Ingelheim, Schering, Warrick, Baxter. <i>See</i> Exhibit X.

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In re Pharmaceutical Wholesale Pricing Litigation, MDL 1456**

Witness Name	Federal Agency and Title/Responsibility	Noticed	Cross Noticed or Appearances Beyond Underlying Action	Deposition Dates	Defendant Appearances
Sernyak, Amy	OIG, Department of Health and Human Services – Team Leader and Program Analyst (1995 -)	MDL Abbott Case	Cross-Notice relates to “ALL ACTIONS” in which Schering, Schering Plough or Warrick have been named, appeared or served. <i>See</i> Exhibit Y.	3/6/2007	Abbott, Dey, Sandoz, Roxane, Boehringer Ingelheim, Schering, Warrick, BMS, Amgen, Baxter. <i>See</i> Exhibit Y-1.
Sexton, Gayle	Health Insurance Specialist w/CMS at Headquarters in Baltimore	MDL New York Counties Case. <i>See</i> Exhibit Z	N/A	5/20/2008	Abbot, Dey, Mylan, Ethex, Merck, Par, Boehringer Ingelheim, Roxane, Pharmacia, Pfizer, Sandoz, Schering, Schering-Plough, Warrick, Teva, Ivax, Sisor. <i>See</i> Exhibit Z.
Scully, Thomas	CEO Federation of American Hospitals; Administrator of HCFA	MDL Abbott Case	Cross-Notice relates to “ALL ACTIONS” in which Schering, Schering Plough or Warrick have been named, appeared or served. <i>See</i> Exhibit H.	5/15/07, 7/13/07	<i>Day 1 (5/15/07):</i> Abbott, Dey, Mylan, Roxane, Boehringer Ingelheim, Bristol-Myers Squibb, Johnson & Johnson, Par, Teva, Ivax Corporation, Warrick, Schering, Schering-Plough, Merck, Aventis, Sanofi-Synthelabo, AstraZeneca, Amgen, GlaxoSmithKline. <i>See</i> Exhibit H-4. <i>Day 2 (7/13/2007):</i> Schering, Schering-Plough, Warrick, Abbott, Sandoz, Johnson & Johnson, Amgen, Dey LP, Dey Inc, Mylan, Roxane, Boehringer Ingelheim, Teva, Ivax, TAP, BMS, Merck, AstraZeneca. <i>See</i> Exhibit H-4.
Smith, Dennis	Director, Center for Medicaid and State Operations, CMS (2001-2007)	MDL Abbott Case	Cross-Notice relates to “ALL CASES IN MDL 1456” in which Abbott is named or appeared. <i>See</i> Exhibit AA.	2/26/08, 3/27/08	<i>Day 1 (2/26/08):</i> Abbott, Dey, Mylan, Roxane, Boehringer Ingelheim, Endo, Schering, Schering-Plough, Warrick, Sandoz, Bristol-Myers Squibb. <i>See</i> Exhibit AA-1. <i>Day 2 (3/27/08):</i> same as previous day. <i>See</i> Exhibit AA-1.

**Depositions of Federal Witnesses (CMS/HCFA/OIG) in
In re Pharmaceutical Wholesale Pricing Litigation, MDL 1456**

Witness Name	Federal Agency and Title/Responsibility	Noticed	Cross Noticed or Appearances Beyond Underlying Action	Deposition Dates	Defendant Appearances
Tawes, David	Director Medicare and Medicaid Pricing Unit, CMS (2005-2007); Office of Evaluations and Inspections, OIG, US Dept of Health – Program Analyst (1997-2004)	MDL Abbott Case	Cross-Notice relates to “ALL ACTIONS” in which Schering, Schering Plough or Warrick have been named, appeared or served. <i>See</i> Exhibit H.	4/24/07, 4/25/07	<i>Day 1 (4/24/2007):</i> Abbott, Dey, Sandoz, Roxane, Boehringer Ingelheim, Schering-Plough, Schering, Warrick, Barr, Baxter, AstraZeneca, BMS. <i>See</i> Exhibit H-5. <i>Day 2 (4/25/2007):</i> same as previous day. <i>See</i> Exhibit H-5.
Thompson, Don	Senior Technical Advisor, Hospital and ambulatory Policy Group, CMS	MDL Abbott Case	Cross-Notice relates to “ALL CASES IN MDL 1456” in which Abbott is named or appeared. <i>See</i> Exhibit BB.	3/27/08, 3/28/08	<i>Day 1 (3/27/08):</i> Abbott, Dey, Mylan, Boehringer Ingelheim, Roxane, Sandoz, Ethex, Schering, Schering-Plough, Warrick. <i>See</i> Exhibit BB-1.
Timus, Sr. David M.	Paralegal at CMS	MDL Abbott Case. <i>See</i> Exhibit CC.	Not found on Lexis/Nexis. Appearances by multiple defendants in NY Counties’ case, including at least one generic manufacturer defendant.	6/6/2007	Abbott, Dey, Mylan, Roxane, Boehringer-Ingelheim, Baxter. <i>See</i> Exhibit CC-1.
Vladeck, Bruce	Administrator of HCFA	MDL Abbott Case	Cross-Notice relates to “ALL ACTIONS” in which Schering, Schering Plough or Warrick have been named, appeared or served. <i>See</i> Exhibit H.	5/4/07, 6/21/07	(5/4/07): Abbott, Roxane, Dey, Mylan, Schering and Schering-Plough, Warrick. Sandoz, Novartis, Bristol-Myers Squibb, Aventis, Amgen, AstraZeneca, Baxter, Merck. <i>See</i> Exhibit H-6.

**Depositions of Federal Witnesses (CMS/HCFA/OIG) in
In re Pharmaceutical Wholesale Pricing Litigation, MDL 1456**

Witness Name	Federal Agency and Title/Responsibility	Noticed	Cross Noticed or Appearances Beyond Underlying Action	Deposition Dates	Defendant Appearances
Vito, Robert	Office of Evaluations and Inspections, OIG, US Dept of Health - Regional Inspector General, Region III (1995-), Acting Regional Inspector General (1994-1995), Deputy Regional Inspector General (1991-1994); Office of Audit Services, OIG - Auditor (focus on Medicare and Medicaid programs), (1978-1990).	MDL Abbott Case	Cross-Notice relates to "ALL ACTIONS" in which Schering, Schering Plough or Warrick have been named, appeared or served. <i>See</i> Exhibit DD.	6/19/07, 6/20/07	<i>Day 1(6/19/07):</i> Abbott, Roxane, Boehringer Ingelheim, B. Braun Medical Incorporated, Warrick, Schering, Schering-Plough, Barr, Duramed, Dey, Bristol-Myers Squibb, Sandoz, Novartis, Baxter, Amgen. <i>See</i> Exhibit DD-1. <i>Day 2 (6/20/2007):</i> Abbott, Dey, Roxane, Boehringer Ingelheim, B Braun, Schering-Plough, Schering, Warrick. <i>See</i> Exhibit DD-1.
TOTAL = 31 Witnesses				TOTAL = 50	

EXHIBIT B



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VIA EMAIL AND LNFS

July 10, 2009

The Honorable Patti B. Saris
United States District Court
for the District of Massachusetts
John J. Moakley U.S. Courthouse
1 Courthouse Way
Boston, Massachusetts 02210

**Re: *City of New York v. Abbott Labs, et al.*, MDL No. 1456
(Requested CMS Deposition Excerpts on FUL Issues)**

Dear Judge Saris:

Further to Your Honor's request at the July 8, 2009 hearing on plaintiffs' motion for partial summary judgment on issues relating to the FUL and under N.Y. Soc. Serv. L. 145-b, enclosed as Attachments A and B are relevant excerpts of the deposition testimony of CMS witnesses Sue Gaston and Gayle Sexton. Ms. Gaston set the FUL from April 1991 through February 2003. Ms. Sexton set the FUL from November 2004 through the end of our relevant period (December 2005).

Enclosed as Attachment C is a true and complete copy of the Gaston Declaration with exhibits, filed June 15, 2009 (Exhibit C to the Affidavit of Joanne M. Cicala in Opposition to Defendants' Joint Motion for Summary Judgment on Plaintiffs' "FUL Fraud" Claims [Dkt. No. 6144]).

Also, if permitted, I would like to make a correction to the record by way of this letter. At the July 8 hearing, and in our filings on plaintiffs' and defendants' motions, we have state that 20 CMS witnesses were deposed by defendants in this matter over 28 days. In fact, there have been 27 CMS witnesses deposed by defendants over a total of 42 days. Attachment D sets forth this information. Where witness titles were readily available, we have supplied them.

Please advise if Your Honor would like to see any of the above-referenced deposition testimony in its entirety, or any other materials.

Respectfully submitted,

Joanne M. Cicala

Enclosures

cc: John T. Montgomery, Esq.
All Counsel of record on LNFS

ATTACHMENT D

MDL 1456 CMS Depositons*City of New York, et al. v. Abbott Labs, et al.*

Num.	Name	Title	Depo Taken
1	Bailey, Glenda 30(b)(6)		3/20/2007
2	Bassano, Amy		11/7/2007
3	Berenson, Robert		12/18/2007
4	Booth, Charles	Director of the Office of Hospital Policy, Bureau of Policy Development; director of Financial services in the Office of Financial Management for the HCFA	4/23/2007
	Booth, Charles	Director of the Office of Hospital Policy, Bureau of Policy Development; director of Financial services in the Office of Financial Management for the HCFA	10/29/2007
5	Bowen, Maryann	Office of Information Services, CMS, management-type functions-personnel training, administrative functions of running the facility	6/5/2007
6	Bruce, Tamara 30 (b)(6)		11/6/2008
7	Bryant, Joseph 30(b)(6)		11/15/2007
8	Buto, Kathleen	Director Office of Executive Operations, HCFA	9/12/2007
	Buto, Kathleen	Director Office of Executive Operations, HCFA	9/13/2007
9	DeParle, Nancy Ann	Administrator of HCFA 1997-2000	5/18/2007
	DeParle, Nancy Ann	Administrator of HCFA 1997-2000	12/5/2007
10	Duzor, Deidre	Director of Quality Systems Management, CMS, Director of Pharmacy Division for Medicaid at CMS	2/27/2007
	Duzor, Deidre	Director of Quality Systems Management, CMS, Director of Pharmacy Division for Medicaid at CMS	10/30/2007
	Duzor, Deidre	Director of Quality Systems Management, CMS, Director of Pharmacy Division for Medicaid at CMS	3/26/2008
11	Gaston, Sue	HCFA-Health Insurance Specialist, Team lead for dispute resolution of Medicaid	1/24/2008
	Gaston, Sue	HCFA-Health Insurance Specialist, Team lead for dispute resolution of Medicaid	3/19/2008
12	Gustafson, Tom		9/28/2007
	Gustafson, Tom		12/17/2007
13	Hardwick, Claire	Centers for Medicaid and State Operations, Office of Clinical Standards and Quality	6/6/2007
14	Hoover, John W.		12/18/2007
15	Morris, Richard	HCFA Associate Regional Administrator '81-Retirement, Responsible for pgm operations-policy interpretation, state Medicaid plan approvals	8/29/2007
16	Neiman, Robert	Bureau of Policy Development, Drug payment policy and ambulance payment policy, CMS	10/11/2007
	Nieman, Robert	Bureau of Policy Development, Drug payment policy and ambulance payment policy, CMS	9/14/2007
17	Parker, Lisa	Office of Strategic Operations of Regulatory Affairs, CMS	6/6/2007
18	Ragone, Linda	Office of Evaluations and Inspections, OIG, US Dept of Health	4/17/2007
	Ragone, Linda	Office of Evaluations and Inspections, OIG, US Dept of Health	4/18/2007

MDL 1456 CMS Depositors*City of New York, et al. v. Abbott Labs, et al.*

Num.	Name	Title	Depo Taken
19	Reed, Larry	HCFA Baltimore-Leadership Development Program, Branch Chief Processing policy division, Branch chief Medicaid Non-Institutional Payment Policy Branch	9/26/2007
	Reed, Larry	HCFA Baltimore-Leadership Development Program, Branch Chief Processing policy division, Branch chief Medicaid Non-Institutional Payment Policy Branch	9/27/2007
	Reed, Larry	HCFA Baltimore-Leadership Development Program, Branch Chief Processing policy division, Branch chief Medicaid Non-Institutional Payment Policy Branch	3/18/2008
	Reed, Larry	HCFA Baltimore-Leadership Development Program, Branch Chief Processing policy division, Branch chief Medicaid Non-Institutional Payment Policy Branch	3/20/2008
	Reed, Larry	HCFA Baltimore-Leadership Development Program, Branch Chief Processing policy division, Branch chief Medicaid Non-Institutional Payment Policy Branch	10/2/2008
	Reed, Larry	HCFA Baltimore-Leadership Development Program, Branch Chief Processing policy division, Branch chief Medicaid Non-Institutional Payment Policy Branch	10/22/2008
	Reed, Larry 30 (b)(6)	HCFA Baltimore-Leadership Development Program, Branch Chief Processing policy division, Branch chief Medicaid Non-Institutional Payment Policy Branch	3/20/2008
20	Richter, Elizabeth		12/7/2007
21	Robey, Vickie 30(b)(6)		3/20/2007
22	Scully, Thomas	CEO Federation of American Hospitals; Administrator of HCFA	5/15/2007
	Scully, Thomas	CEO Federation of American Hospitals; Administrator of HCFA	7/13/2007
23	Sexton, Gail	Health Insurance Specialist w/CMS at Headquarters in Baltimore	3/20/2008
	Sexton, Gail	Health Insurance Specialist w/CMS at Headquarters in Baltimore	5/20/2008
24	Smith, Dennis		2/26/2006
	Smith, Dennis		2/26/2008
	Smith, Dennis		3/27/2008
25	Thompson, Don		3/28/2008
	Thompson, Don		9/30/2008
26	Timus, Sr. David M.	Paralegal at CMS	6/6/2007
27	Vladeck, Bruce	Administrator of HCFA	5/4/2007
	Vladeck, Bruce	Administrator of HCFA	6/21/2007
	27 people total		42 days total

EXHIBIT C



**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY)
AVERAGE WHOLESAL PRICE)
LITIGATION)
_____)

MDL 1456

Master File No. 01-CV-12257-PBS

THIS DOCUMENT RELATES TO:)
ALL ACTIONS)
_____)

Judge Patti B. Saris

[PROPOSED] CASE MANAGEMENT ORDER NO. 9

WHEREAS, in CMO 7, the Court has ordered limited party discovery to proceed in the federal class action that has been designated the Lead Case in this MDL, Civil Action No. 01-12257-PBS, pending a decision on defendants' motions to dismiss the Amended Master Consolidated Class Action Complaint ("AMCC"); and

WHEREAS, motions to dismiss other included cases in MDL 1456 either are pending or will be filed; and

WHEREAS, in order to avoid duplication and burden on the parties in discovery, it is appropriate for all parties proceeding with discovery in the Lead Case to attempt to coordinate with the parties in all other cases in MDL 1456 before pursuing such discovery; and

WHEREAS, the Court finds that it would be helpful to provide procedures to attempt to coordinate discovery activities both among the included cases and with other cases that are, or may be, prosecuted in state court and that allege fraud or related



violations of law in connection with the pricing of Medicare or Medicaid reimbursed prescription drugs;

IT IS HEREBY ORDERED as follows:

I. COORDINATION AMONG ACTIONS INCLUDED IN MDL 1456

1. With respect to the limited discovery the Court has permitted to proceed in the Lead Case pending a decision on defendants' motions to dismiss, and with respect to any discovery that may occur thereafter, it shall be the responsibility of Liaison Counsel for all Class Plaintiffs (as designated in Case Management Order No. 1 or as modified by subsequent Order of this Court) to coordinate discovery on behalf of all Class Plaintiffs, with all plaintiffs in cases brought by government entities, and with any private opt out plaintiffs should any emerge.

2. Except for the limited discovery the Court has permitted to proceed in the Lead Case and discovery relevant to any motion to remand that challenges the court's jurisdiction over a removed case, no party may serve discovery on any other party in any action that is included within MDL 1456 prior to a defendant's filing of an answer to the complaint in the action in which discovery is to be served. In any action in which there are multiple defendants, only those defendants that have answered the complaint may serve, and are subject to, party discovery.

3. Upon request, defendants who have produced documents to plaintiffs in the Lead Case pursuant to CMO 5 and/or CMO 7 shall make those documents available to any government entity plaintiff in any action included within MDL 1456, except that no such plaintiff shall be entitled to have access to: a) documents produced by a defendant that is not named as a defendant in the operative complaint filed by such



plaintiff; b) documents relating to drugs that are not identified in the operative complaint filed by such plaintiff; and c) documents produced by a defendant that are not otherwise relevant to the claims asserted against that defendant in the operative complaint filed by such plaintiff.

4. Any party that is permitted to take a deposition may do so only after providing notice to counsel for all parties that are before the Court in any action that is included within MDL 1456.

5. To the extent that any party participates in a deposition, counsel for that party shall be bound by any order entered by this Court regarding the appropriate scope and nature of discovery in the action in which the deposition is noticed.

II. COORDINATION WITH STATE COURT PROCEEDINGS

1. This Court has recently ordered several cases initiated by State Attorneys General in State Court to be remanded to State Court. These cases fall within the subject matter definition of this MDL proceeding and the Court urges the parties to identify other cases pending in State Courts nationwide that similarly fall within the subject matter definition of this MDL proceeding. This Court intends to invite the State Courts presiding over those cases (the "State Court Cases") to enter into informal discovery coordination arrangements that (a) will allow plaintiffs' counsel in those cases to participate in the discovery activities in this proceeding (as though their cases were part of this proceeding), (b) will allow the parties in those cases to use the fruits of any discovery that is developed in this proceeding, and (c) will minimize the waste and inconvenience that would result if parallel discovery proceeded unabated in all cases.



However, such efforts are not intended by this Court to usurp or impede the management of any respective State Court by the State Court judge.

2. This Court (the “MDL Court”) intends to invite each State Court that is presiding over a State Court Case, including State Court cases that are currently pending and State Court cases that are filed after the date of this Order, to declare that case to be a “Coordinated State Court Case” and enter an order containing provisions to the following effect:

- (a) The parties will make good faith efforts to coordinate discovery in the Coordinated State Court Case with the discovery that will be occurring in the MDL proceeding – MDL 1456, *In re Pharmaceutical Industry Average Wholesale Price Litigation*.
- (b) Under the coordination arrangement, counsel in the State Court Case shall be entitled to participate fully in any or all discovery activities in MDL 1456 in the same manner as counsel in any of the included actions in MDL 1456, subject to the orders and rules governing the MDL proceedings (including appearing before the MDL Court to address discovery-related matters in that proceeding).
- (c) Any discovery generated in the MDL 1456 proceeding will be fully available for use in the Coordinated State Court Case to the extent permitted by the State Court under its applicable evidentiary standards, and any discovery generated in a Coordinated State Court Case will be fully available for use in the MDL 1456



proceeding, subject to any applicable confidentiality or protective orders entered in the MDL proceeding.

- (d) The Court's objective is to avoid duplicative depositions of any person or party. Plaintiffs' Liaison Counsel will be responsible for keeping all plaintiffs' counsel for the Coordinated State Court Cases fully apprised of the scheduling of any depositions in this proceeding and the Court will ask each State Court to order plaintiffs' counsel in a Coordinated State Court Case to reciprocate. If for any reason a defendant knows or has reason to believe that plaintiffs' counsel in the Coordinated State Court Cases are unaware of a deposition going forward in any case that is not a Coordinated State Court Case, it shall inform plaintiffs' counsel for the Coordinated State Court Cases of that deposition with enough notice to allow them or other counsel to attend.

3. To facilitate this effort to achieve coordination among this proceeding and the various State Court Cases, the parties will identify the State Court Cases that are *including the name of the judge and phone number at the court* pending as of the date of this Order and will notify this Court promptly of any new State Court Cases that are filed in the future.

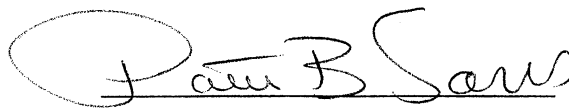

United States District Judge
11/17/03

EXHIBIT D

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

**IN RE: PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE
LITIGATION**

)
)
) **MDL NO. 1456**
)

) **CIVIL ACTION: 01-CV-12257-PBS**
)

**THIS DOCUMENT RELATES TO
ALL ACTIONS**

) **Judge Patti B. Saris**
)
)

PROTECTIVE ORDER

Pursuant to Rule 26(c) of the Federal Rules of Civil Procedure, it is hereby stipulated and agreed, by and between the parties, through their respective counsel, as follows:

IT IS HEREBY STIPULATED AND ORDERED AS FOLLOWS:

1. This Protective Order shall apply to the actions that have been consolidated for pretrial proceedings as *In re Pharmaceutical Industry Average Wholesale Price Litigation*, MDL No. 1456, Civil Action No. 01-12257-PBS and all future actions that are transferred to MDL No. 1456 for coordinated or consolidated pretrial proceedings (collectively referred to herein as "the AWP Litigation").

2. The terms and conditions of this Order shall govern initial disclosures, the production and handling of documents, answers to interrogatories, responses to requests for admissions, depositions, pleadings, exhibits, other discovery taken pursuant to the Federal Rules of Civil Procedure, and all other information exchanged by the parties or by any third party in response to discovery requests or subpoenas.

3. The designation "CONFIDENTIAL" shall be limited to information that any producing party, including any third party, in good faith, believes to contain (a) proprietary or commercially sensitive information; (b) personal financial information; or (c) information that should otherwise be subject to confidential treatment under Rule 26(c)(7) of the Federal Rules of Civil Procedure.

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4. Information designated "CONFIDENTIAL" may be disclosed only to the following persons:

- (a) a named "Individual Patient Plaintiff" (e.g., persons identified in Paragraphs 13 through 21 of the September 6, 2002, Master Consolidated Class Action Complaint in the AWP Litigation ("Complaint")) who have executed a Certification attached hereto as Exhibit A;
- (b) in-house counsel of a named party or, for a "Third-Party Payor" or "Non-Profit Association," as those terms are used in the Complaint, that does not have in-house counsel, one officer or employee of that party who is responsible for the AWP Litigation for that party and who has executed a Certification attached hereto as Exhibit A;
- (c) outside counsel representing a named party in the AWP Litigation, including all paralegal assistants, and stenographic and clerical employees working under the supervision of such counsel;
- (d) court reporters, interpreters, translators, copy services, graphic support services, document imaging services, and database/coding services retained by counsel, provided these individuals or an appropriate company official with authority to do so on behalf of the company executes a Certification attached hereto as Exhibit A;
- (e) an expert or consultant who (i) is retained by any attorney described in Paragraphs 4(b) and (c) to assist with the AWP Litigation, (ii) is not a current employee of a party or subsidiary or affiliate of a party, and (iii) such expert or consultant executes a Certification attached hereto as Exhibit A;
- (f) a person who prepared, received, or reviewed the "CONFIDENTIAL" information prior to its production in the AWP Litigation;
- (g) during depositions and preparation for depositions, a deposition witness who is a current employee of the party that produced the applicable document(s) or who appears, based upon the document itself or testimony in a deposition, to have knowledge of the contents of the document designated "CONFIDENTIAL" or the specific events, transactions, discussions, or date reflected in the document, provided such witness executes a Certification attached hereto as Exhibit A;
- (h) any private mediators utilized in the AWP Litigation, provided such person executes a Certification attached hereto as Exhibit A; and
- (i) the Court, and any Special Masters and/or Mediators appointed by the Court, under seal.

5. The designation "HIGHLY CONFIDENTIAL" or "ATTORNEY EYES ONLY" (collectively referred to herein as "HIGHLY CONFIDENTIAL") shall be limited to information that any producing party, including third parties, in good faith, believes to contain (a) current and past (to the extent they reflect on current) methods, procedures, and processes relating to the pricing of pharmaceuticals; (b) current and past (to the extent they reflect on current) marketing plans and methods; (c) current and past (to the extent they reflect on current) business planning and financial information; (d) trade secrets; (e) past or current company personnel or employee information; and (f) other "CONFIDENTIAL" information (as defined in Paragraph 3) the disclosure of which is likely to cause competitive or commercial injury to the producing party.

6. Information designated "HIGHLY CONFIDENTIAL" may be disclosed only to the following persons:

- (a) (i) in-house counsel of a named party who have executed a Certification attached hereto as Exhibit B may have access to all "HIGHLY CONFIDENTIAL" information; or (ii) in-house counsel of a named party who cannot satisfy the requirements of Exhibit B may have access only to "HIGHLY CONFIDENTIAL" information that identifies the company, employees, or drugs of the named party of the in-house counsel;
- (b) outside counsel representing a named party in the AWP Litigation, including all paralegal assistants, and stenographic and clerical employees working under the supervision of such counsel;
- (c) court reporters, interpreters, translators, copy services, graphic support services, document imaging services, and database/coding services retained by counsel, provided these individuals or an appropriate company official with authority to do so on behalf of the company executes a Certification attached hereto as Exhibit A;
- (d) an expert or consultant who (i) is retained by any attorney described in Paragraphs 6(a) and (b) to assist with of the AWP Litigation, (ii) is not a current employee of a party or subsidiary or affiliate of a party; and (iii) such expert or consultant executes a Certification attached hereto as Exhibit A;
- (e) a person who prepared, received, or reviewed the "HIGHLY CONFIDENTIAL" information prior to its production in the AWP Litigation;

- (f) during depositions and preparation for depositions, a deposition witness who is a current employee of the party that produced the applicable document(s) or who appears, based upon the document itself or testimony in a deposition, to have knowledge of the contents of the document designated "HIGHLY CONFIDENTIAL" or the specific events, transactions, discussions, or date reflected in the document, provided such witness executes a Certification attached hereto as Exhibit A;
- (g) any private mediators utilized in the AWP Litigation, provided such person executes a Certification attached hereto as Exhibit A; and
- (h) the Court, and any Special Masters and/or Mediators appointed by the Court, under seal.

7. This Order does not apply to any information or documents:

- (a) already in the possession of a receiving party and not subject to any obligation of confidentiality; and
- (b) acquired by a receiving party from a third party without being designated confidential or similar material unless the third party received the information or documents subject to any form of confidentiality protection.

8. All information designated "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL" in accordance with the terms of this Order and produced or exchanged in the course of the AWP Litigation shall be used or disclosed solely for the purpose of the AWP Litigation and in accordance with the provisions of this Order. Such "CONFIDENTIAL" and "HIGHLY CONFIDENTIAL" information shall not be used for any business purpose, or in any other litigation or other proceeding, or for any other purpose, except by Court Order or otherwise required by law.

9. Any person or party receiving "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL" information that receives a request or subpoena for production or disclosure of "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL" information shall promptly give notice by facsimile to the producing party identifying the information sought and enclosing a copy of the subpoena or request. Provided that the producing party makes a timely motion or other application for relief from the subpoena or other request in the appropriate forum, the person or party subject to the subpoena or other request shall not produce or disclose the requested

information without consent of the producing party or until ordered by a court of competent jurisdiction.

10. Counsel shall inform each person to whom they disclose or give access to "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL" information the terms of this Order, as well as the obligation to comply with those terms. Persons receiving "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL" information are prohibited from disclosing it to any person except in conformance with this Order. The recipient of any "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL" information agrees to subject himself/herself to the jurisdiction of the Court for the purpose of any proceedings relating to the performance under, compliance with, or violation of this Order. The parties agree, and agree to inform each person to whom they disclose or give access to "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL" information, that damages for violation of this Order are not an adequate remedy and that the appropriate remedy is injunctive relief. Counsel agrees to maintain a file of all Certifications (Exhibits A and B) required by this Order.

11. The recipient of any "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL" information shall maintain such information in a secure and safe area and shall exercise the same standard of due and proper care with respect to the storage, custody, use and/or dissemination of such information as is exercised by the recipient with respect to his or her own confidential or proprietary information.

12. "CONFIDENTIAL" and "HIGHLY CONFIDENTIAL" information may include or be included in any document, physical object, tangible thing, transcript or oral testimony or recorded statement of counsel, such as by way of example and not limitation, transcripts, answers to interrogatories and other responses to discovery requests, pleadings, briefs, summaries, notes, abstracts, motions, drawings, illustrations, diagrams, blueprints, journal entries, logbooks, compositions, devices, test reports, programs, code, commands, electronic media, databases, and any other records and reports which comprise, embody or summarize information about the producing party's business, products, practices and procedures.

13. In designating information "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL," the producing or testifying party or person, including third parties, will make such designation only as to that information that it in good faith believes is "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL." All or any part of a document, tangible item, discovery response or pleading disclosed, produced, or filed by any party or person in the AWP Litigation may be designated "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL" by the producing or disclosing party or person by marking the appropriate legend on the face of the document and each page so designated. With respect to tangible items, the appropriate legend shall be marked on the face of the tangible item, if practicable, or by delivering at the time of disclosure, production or filing to the party to which disclosure is made, written notice that such tangible item is "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL."

14. The parties may designate the deposition testimony and exhibits (or portions thereof) of any witness in the AWP Litigation as "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL" at the time of the deposition by advising the reporter and all parties of such fact during the deposition. If any portion of a videotaped deposition is designated pursuant to this Paragraph, the videocassette or other videotape or CD-ROM container shall be labeled with the appropriate legend. Unless a shortened time period is requested as set forth below, within thirty (30) days of receipt of a transcript, the deponent, his/her counsel, or any other party may redesignate all or portions of the transcript "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL." The deponent, his/her counsel or any other party shall list on a separate piece of paper the numbers of the pages of the deposition transcript containing "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL" information and serve the same on opposing counsel. Pending such designation, the entire deposition transcript, including exhibits, shall be deemed "HIGHLY CONFIDENTIAL" information. If no designation is made within thirty (30) days after receipt of the transcript, the transcript shall be considered not to contain any "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL" information.

(a) a party may reasonably request a shortening of the time period within which a confidentiality designation for a deposition transcript must be made for the purpose of conducting effective discovery, and consent to such a request shall not be unreasonably withheld.

In the event of a dispute as to a request for a shortened time period, the parties shall first try to dispose of such dispute in good faith on an informal basis. If the dispute cannot be resolved within five (5) business days, the party requesting the shortened time period may request appropriate relief from the Court. The parties agree, subject to Court approval, that such relief sought can be in the form of a telephone conference to be scheduled at the Court's earliest convenience with the objective of obtaining an immediate resolution of the dispute;

15. Any documents or pleadings to be filed with the Court that contain "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL" information, shall be filed under seal in an envelope marked "CONFIDENTIAL -- Filed Under Seal Pursuant to Court Order" or "HIGHLY CONFIDENTIAL -- Filed Under Seal Pursuant to Court Order" and bear the caption of the AWP Litigation and pleading or document title and such other description as will allow the Court to readily identify the documents or information or portions thereof so designated.

16. At the request of a producing party, the Court may limit or restrict person(s) not permitted access to "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL" information from attending any hearing or deposition at which such information is revealed.

17. Nothing in this Order shall be construed in any way as a finding that information designated "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL" actually is "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL" information. Any party may object, in writing, to the designation by another party by specifying the information in issue and its grounds for questioning the designation. A party shall not be obligated to challenge the propriety of a designation at the time made, and a failure to do so shall not preclude any subsequent challenge. In the event that any party to the AWP Litigation disagrees at any point in these proceedings with the designation by the producing party, the parties shall try first to dispose of such dispute in good faith on an informal basis. If the parties' cannot resolve the dispute within twenty-one (21) days of service of a written objection, the party challenging the designation may file a motion to compel within twenty-one (21) days after the parties' informal attempts at resolution have concluded. The information, documents or materials shall continue to receive the protection of their designation until the Court rules on the motion. The party that designated the information

"CONFIDENTIAL" or "HIGHLY CONFIDENTIAL" shall have the burden of demonstrating the propriety of its designation.

18. Nothing herein shall be construed to be an admission of relevance or to affect, in any way, the admissibility of any documents, testimony or other evidence in the AWP Litigation. This Order is without prejudice to the right of any party to bring before the Court at any time the question of whether any particular information is or is not discoverable or admissible.

19. Nothing in this Order shall bar or otherwise restrict any attorney herein from rendering advice to clients with respect to the AWP Litigation and in the course thereof, referring to or relying upon the attorney's examination of "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL" information so long as the attorney does not disclose "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL" information.

20. The inadvertent or mistaken disclosure by a producing party of "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL" information shall not constitute a waiver of any claim of confidentiality except where: (a) the producing party notifies a receiving party in writing of such inadvertent or mistaken disclosure within ten (10) business days of becoming aware of such disclosure and, (b) within thirty (30) days of such notice, the producing party fails to provide properly redesignated documents to the receiving party. During the thirty (30) day period after notice, the materials shall be treated as designated in the producing party's notice. Upon receipt of properly redesignated documents, the receiving party shall return all unmarked or incorrectly designated documents and other materials to the producing party within five (5) business days. The receiving party shall not retain copies thereof and shall treat information contained in said documents and materials and any summaries or notes thereof as appropriately marked pursuant to the producing party's notice.

21. Should any "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL" information be disclosed, through inadvertence or otherwise, by a receiving party to any person or party not authorized under this Order, then the receiving party shall: (a) use its best efforts to obtain the return of any such "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL" information and to

bind such person or party to the terms of this Order; (b) within seven (7) business days of the discovery of such disclosure, inform such person of all provisions of this Order and identify such person or party to the producing party; and (c) request such person or party to sign the Certification attached hereto as Exhibit A or B. The executed Certification shall be served upon counsel for the producing party within ten (10) business days of its execution by the party to whom the "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL" information was inadvertently disclosed. Nothing in this Paragraph is intended to limit the remedies that the producing party may pursue for breach of this Order.

22. A producing person or entity who is not a party in the AWP Litigation shall be entitled to the protections afforded herein by signing a copy of this Order and serving same on all counsel of record. Thereafter, a producing person or entity may designate as "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL" only testimony, information, documents or things that such producing person or entity has produced or provided in the action.

23. This Order shall survive the termination of this litigation and the transferred actions and shall continue in full force and effect thereafter.

24. After final termination of this action, the outside counsel for a named party may each retain one copy of deposition transcripts and exhibits, Court transcripts and exhibits, and documents and other materials submitted to the Court. Nothing herein shall require the return or destruction of attorney work product. Such material shall continue to be treated as designated under this Order. Within sixty (60) days after final termination of the AWP Litigation, at the request of the producing party, counsel for the receiving party either shall (a) return all additional "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL" information in his/her possession, custody or control or in the custody of any authorized agents, outside experts and consultants retained or utilized by counsel for the receiving party to counsel for the party who has provided such "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL" information in discovery or (b) certify destruction thereof to the producing party's counsel. As to "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL" information reflected in computer databases or backup tapes or

any other electronic form, the receiving party shall erase all such "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL" information.

25. Pursuant to Local Rule 7.2, within thirty (30) days after final termination of the AWP Litigation, outside counsel for a named party shall retrieve from the Court all "CONFIDENTIAL" and "HIGHLY CONFIDENTIAL" information that it filed with the Court during the AWP Litigation and return or dispose of such information in accordance with Paragraph 24.

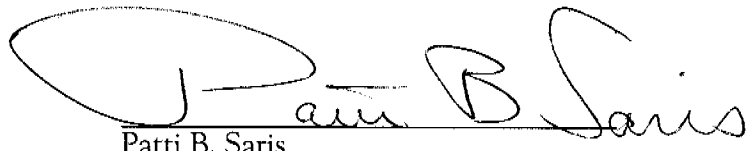
26. If information subject to a claim of attorney-client privilege or work product immunity is inadvertently or mistakenly produced, such production shall in no way prejudice or otherwise constitute a waiver of, or estoppel as to, any claim of privilege or work-product immunity for such information. If a party has inadvertently or mistakenly produced information subject to a claim of immunity or privilege, upon written request made by the producing party within twenty-one (21) days of discovery of such inadvertent or mistaken production, the information for which a claim of inadvertent production is made, including all copies, shall be returned within seven (7) business days of such request unless the receiving party intends to challenge the producing party's assertion of privilege or immunity. All copies of inadvertently or mistakenly produced documents shall be destroyed, and any document or material information reflecting the contents of the inadvertently produced information shall be expunged. If a receiving party objects to the return of such information within the seven (7) business day period described above, the producing party may move the Court for an order compelling the return of such information. Pending the Court's ruling, a receiving party may retain the inadvertently or mistakenly produced documents in a sealed envelope and shall not make any use of such information.

27. Provided a party has followed the procedures set forth herein, the Court deems that the party has complied with the requirements of Local Rule 7.2, Impounded and Confidential Materials.

28. Nothing in this Order shall prevent any party from applying to the Court for relief therefrom, or from applying to the Court for further or additional protective orders or modification of this Order.

29. It is further ordered that all pleadings, memoranda or other documents filed in court shall be treated as public regardless of the terms of this order unless the counsel for the party seeking protection certifies and explains why the material is confidential. To the extent that a brief or other document contains some confidential information, it shall be redacted in a public version.

Dated: 12/13, 2002



Patti B. Saris
United States District Judge

CERTIFICATION – EXHIBIT A

I hereby certify that I have read the attached Protective Order in *In re Pharmaceutical Industry Average Wholesale Price Litigation*, MDL No. 1456, Civil Action No. 01-12257-PBS, dated _____, 2002 (the “Order”), and I agree that I will not reveal “CONFIDENTIAL” or “HIGHLY CONFIDENTIAL” information to, or discuss such with, any person who is not entitled to receive “CONFIDENTIAL” or “HIGHLY CONFIDENTIAL” information in accordance with the Order, I will use “CONFIDENTIAL” or “HIGHLY CONFIDENTIAL” information only for the purposes of facilitating the prosecution or defense of the action and not for any business or other purpose. I will otherwise keep all “CONFIDENTIAL” and “HIGHLY CONFIDENTIAL” information confidential in accordance with this Order. I agree that the United States District Court for the District of Massachusetts has jurisdiction to enforce the terms of the Order, and I consent to jurisdiction of that Court over my person for that purpose. I will otherwise be bound by the strictures of the Order.

Dated: _____

[Print Name]

[Company]

[Address]

IN-HOUSE COUNSEL CERTIFICATION – EXHIBIT B

I hereby certify that I have read the attached Protective Order in *In re Pharmaceutical Industry Average Wholesale Price Litigation*, MDL No. 1456, Civil Action No. 01-12257-PBS, dated _____, 2002 (the “Order”), and I agree that I will not reveal “HIGHLY CONFIDENTIAL” information to, or discuss such with, any person who is not entitled to receive “HIGHLY CONFIDENTIAL” information in accordance with the Order. I will use “HIGHLY CONFIDENTIAL” information only for the purposes of facilitating the prosecution or defense of the action and not for any business or other purpose. I will otherwise keep all “HIGHLY CONFIDENTIAL” information confidential in accordance with this Order.

I agree that I will only review “HIGHLY CONFIDENTIAL” information in the offices of outside counsel or other location designated by outside counsel. I will not remove such information from outside counsel’s office or other location designated by outside counsel, nor make copies of or maintain any “HIGHLY CONFIDENTIAL” information at the offices at which I work.

My professional relationship with the party I represent and its personnel is strictly one of legal counsel. Although I may attend meetings where others discuss competitive decision-making, I am not involved in competitive decision-making (as discussed in *U.S. Steel Corp. v. United States*, 730 F.2d 1465 (Fed. Cir. 1984) and *Matsushita Elec. Indus. Co. v. United States*, 929 F.2d 1577 (Fed. Cir. 1991)), for or on behalf of the party I represent or any other party that might gain a competitive advantage from access to the material disclosed under the Order. Other than legal advice, I do not provide advice or participate in any decisions of such parties in matters involving similar or corresponding information about a competitor. This means that I do not, other than providing legal advice, for example, provide advice concerning decisions about, pricing, marketing or advertising strategies, product research and development, product design or

competitive structuring and compositions of bids, offers, or proposals, with respect to which the use of "HIGHLY CONFIDENTIAL" information could provide a competitive advantage.

I have attached a detailed narrative providing the following information: (a) my position and responsibilities as in-house counsel; and (b) the person(s) to whom I report, and their position(s) and responsibilities.

I further agree that the United States District Court for the District of Massachusetts has jurisdiction to enforce the terms of the Order, and I consent to jurisdiction of that Court over my person for that purpose. I will otherwise be bound by the strictures of the Order.

Dated: _____

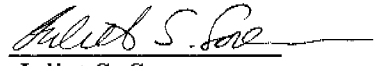
[Print Name]

[Company]

[Address]

CERTIFICATE OF SERVICE

I certify that on December 13, 2002, I caused a true and correct copy of the foregoing JOINT MOTION FOR ENTRY OF PROTECTIVE ORDER and proposed PROTECTIVE ORDER to be served on all counsel of record by electronic service in accordance with Case Management Order No. 2.


Juliet S. Sorensen

CERTIFICATION PURSUANT TO LOCAL RULE 7.1

Pursuant to Local Rule 7.1(A)(2), the undersigned certifies that counsel for defendants conferred with counsel for plaintiff on this motion, and that counsel for plaintiff joined in the motion.


Juliet S. Sorensen

EXHIBIT E



**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE: PHARMACEUTICAL INDUSTRY	)	MDL NO. 1456
AVERAGE WHOLESALE PRICE)	
LITIGATION	)	CIVIL ACTION: 01-CV-12257-PBS
)	
	)	Judge Patti B. Saris
THIS DOCUMENT RELATES TO)	
<i>U.S. ex rel. Ven-A-Care of the Florida Keys,</i>	)	Chief Magistrate Judge Marianne B. Bowler
<i>Inc. v. Abbott Laboratories, Inc.,</i>)	
No. 06-CV-11337-PBS)	

NOTICE OF DEPOSITION OF GLENDA BAILEY

PLEASE TAKE NOTICE that, pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure, Abbott Laboratories, by its undersigned attorneys, will take the deposition of Glenda Bailey. Ms. Bailey is being deposed in response to Abbott's Notice of Deposition of one or more persons designated by the United States to testify regarding the United States' responses to subpoenas issued in the Lupron MDL and the AWP MDL.

The deposition will take place before a notary public, or any other officer authorized to administer oaths, at the office of Hogan & Hartson LLP, 111 South Calvert St., Baltimore, MD, on March 20, 2007, beginning at 9:00 a.m. and continuing on successive days as necessary. Such deposition will be recorded by stenographic and/or sound and visual means.

The deposition is being taken for the purposes of discovery, for use at trial, and for such other purposes as permitted under the Federal Rules of Civil Procedure.

Dated: March 8, 2007

/s/ R. Christopher Cook
James R. Daly
Tina M. Tabacchi
Brian J. Murray
JONES DAY
77 West Wacker Drive, Suite 3500
Chicago, Illinois 60601
Telephone: (312) 782-3939
Facsimile: (312) 782-8585

R. Christopher Cook
David S. Torborg
JONES DAY
51 Louisiana Avenue, N.W.
Washington, D.C. 20001-2113
Telephone: (202) 879-3939
Facsimile: (202) 626-1700

Counsel for Defendant Abbott Laboratories, Inc.

CERTIFICATE OF SERVICE

I, R. Christopher Cook, an attorney, hereby certify that I caused a true and correct copy of the foregoing NOTICE OF DEPOSITION OF GLENDA BAILEY to be served upon be served on all counsel of record electronically by causing same to be posted via LexisNexis, this 8th day of March, 2007.

/s/ R. Christopher Cook
R. Christopher Cook

EXHIBIT E-1

Bailey 30(b)(6), Glenda

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

-----X
IN RE: PHARMACEUTICAL) MDL NO. 1456
INDUSTRY AVERAGE WHOLESALE) CIVIL ACTION:
PRICE LITIGATION) 01-CV-12257-PBS
THIS DOCUMENT RELATES TO)
U.S. ex rel. Ven-A-Care of) Judge Patti B. Saris
the Florida Keys, Inc. v.)
Abbott Laboratories, Inc.,) Chief Magistrate
No. 06-CV-11337-PBS) Judge Marianne B.
Bowler
-----X

HIGHLY CONFIDENTIAL
Tuesday, March 20, 2007

The video 30(b)(6) deposition of GLENDA BAILEY,
called for oral examination by Counsel for the
Defendant Abbott Laboratories, Inc., pursuant to
notice, held in the law offices of Hogan & Hartson,
111 South Calvert Street, Baltimore, Maryland 21202,

beginning at 1:46 p.m., before Carol J. Robinson,
Registered Professional Reporter and a Notary
Public, when were present:

A P P E A R A N C E S

ON BEHALF OF THE PLAINTIFFS:
United States Department of Justice
BY: ANA MARIA MARTINEZ, ESQUIRE
Assistant United States Attorney
Southern District of Florida
99 N.E. 4th Street

9 Bailey 30(b)(6), Glenda
10 Miami, FL 33132
11 (305) 961-9431
12 Department of Health and Human Services
13 BY: LESLIE M. STAFFORD, ESQUIRE
14 Office of General Counsel
15 CMS Division
16 7500 Security Boulevard
17 Baltimore, Maryland 21244
18 (410) 786-9655
19
20
21

22 (CONTINUED)

0004

1 A P P E A R A N C E S (CONTINUED)

2
3 BERGER & MONTAGUE, P.C.
4 BY: SUSAN SCHNEIDER THOMAS, ESQUIRE
5 1622 Locust Street
6 Philadelphia, PA 19103
7 (215) 875-3000
8 sthomas@bm.net
9
10 ON BEHALF OF DEFENDANT ABBOTT LABORATORIES:
11 JONES DAY
12 BY: R. CHRISTOPHER COOK, ESQUIRE
13 LOUIS GABEL, ESQUIRE
14 51 Louisiana Avenue, N.W.
15 Washington, D.C. 20001
16 (202) 879-3939
17 christophercook@jonesday.com
18
19
20
21

22 (CONTINUED)

0005

1 A P P E A R A N C E S (CONTINUED)

2
3 ON BEHALF OF DEY, INC.,
4 DEY, LP AND DEY, LP, INC.:
5 KELLEY DRYE & WARREN LLP
6 BY: ANTONIA F. GIULIANA, ESQUIRE
7 101 Park Avenue
8 New York, New York 10178
9 (212) 808-7609
10 agiuliana@kelleydrye.com
11
12 ON BEHALF OF ROXANNE LABORATORIES:
13 KIRKLAND & ELLIS
14 BY: CEYLAN A. EATHERTON, ESQUIRE
15 200 East Randolph Drive
16 Chicago, IL 60601
17 312-469-7087

18 Bailey 30(b)(6), Glenda
19 ceatherton@kirkland.com
20 (via telephone)
21

22 (CONTINUED)

0006

1 A P P E A R A N C E S (CONTINUED)

2
3 ON BEHALF OF SCHEIRING-WARRICK CORPORATION:
4 ROPES AND GRAY
5 BY: JOBE G. DANGANAN, ESQUIRE
6 One International Place
7 Boston, MA 02110-2624
8 (617)951-7290
9 jobe.danganan@ropesgray.com
10 (via telephone)
11

12 ON BEHALF OF BAXTER HEALTHCARE:
13 DICKSTEIN SHAPIRO
14 BY: TINA D. REYNOLDS, ESQUIRE
15 1825 Eye Street NW
16 Washington, DC 20006
17 (202) 420-4114
18 reynoldst@dicksteins Shapiro.com
19 (via telephone)
20

21
22 (CONTINUED)

0007

1 A P P E A R A N C E S (CONTINUED)

2
3 ON BEHALF OF ASTRAZENECA:
4 DAVIS POLK & WARDWELL
5 BY: CATHERINE LIFESO, ESQUIRE
6 450 Lexington Avenue
7 New York, NY 10017
8 (212)450-4452
9 catherine.lifeso@dpw.com
10

11 Also Present: Michael Hunterton, Videographer
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1 C O N T E N T S
2 EXAMINATION OF GLENDA BAILEY Page
3 By Mr. Cook..... 11

EXHIBIT F



**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE: PHARMACEUTICAL INDUSTRY	)	MDL NO. 1456
AVERAGE WHOLESALE PRICE)	
LITIGATION	)	CIVIL ACTION: 01-CV-12257-PBS
)	
	)	Judge Patti B. Saris
THIS DOCUMENT RELATES TO)	
<i>U.S. ex rel. Ven-A-Care of the Florida Keys,</i>	)	Magistrate Judge Marianne B. Bowler
<i>Inc. v. Abbott Laboratories, Inc., et al.</i>)	
No. 06-CV-11337-PBS)	

NOTICE OF DEPOSITION OF AMY BASSANO

PLEASE TAKE NOTICE that, pursuant to Rule 30(b)(1) of the Federal Rules of Civil Procedure, Abbott Laboratories, Inc. ("Abbott") by its undersigned attorneys, will take the deposition of Amy Bassano.

The deposition will take place before a notary public, or any other officer authorized to administer oaths, at Hogan & Harston LLP, 111 South Calvert Street, Suite 1600, Baltimore, Maryland, on November 8, 2007, beginning at 9:00 a.m. and continuing on successive days as necessary. The attached subpoena *duces tecum* directs the witness to appear for deposition and produce certain documents. The deposition will be taken upon cross-examination.

Such deposition will be recorded by stenographic and/or sound and visual means. The deposition is being taken for the purposes of discovery, for use at trial, and for such other purposes as permitted under the Federal Rules of Civil Procedure.

Dated: October 17, 2007

/s/ David S. Torborg

James R. Daly
Tina M. Tabacchi
Brian J. Murray
JONES DAY
77 West Wacker Drive, Suite 3500
Chicago, Illinois 60601
Telephone: (312) 782-3939
Facsimile: (312) 782-8585

R. Christopher Cook
David S. Torborg
JONES DAY
51 Louisiana Avenue, N.W.
Washington, D.C. 20001-2113
Telephone: (202) 879-3939
Facsimile: (202) 626-1700

Counsel for Defendant Abbott Laboratories, Inc.

CERTIFICATE OF SERVICE

I, David S. Torborg, an attorney, hereby certify that I caused a true and correct copy of the foregoing NOTICE OF DEPOSITION OF AMY BASSANO to be served upon all counsel of record electronically by causing same to be posted via LexisNexis, this 17th day of October, 2007.

/s/ David S. Torborg
David S. Torborg

EXHIBIT F-1

Bassano, Amy

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

- - - - -
IN RE: PHARMACEUTICAL) MDL NO. 1456
INDUSTRY AVERAGE WHOLESALE) CIVIL ACTION
PRICE LITIGATION) 01-CV-12257-PBS
THIS DOCUMENT RELATES TO)
U.S. ex rel. Ven-a-Care of) Judge Patti B. Saris
the Florida Keys, Inc.)
v.) Chief Magistrate
Abbott Laboratories, Inc.,) Judge Marianne B.
No. 06-CV-11337-PBS) Bowler
- - - - -

Videotaped deposition of AMY BASSANO

Baltimore, Maryland
Wednesday, November 7, 2007
9:00 a.m.

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Videotaped deposition of AMY BASSANO, held at
the law offices of Hogan & Hartson, 111 South
Calvert Street, Suite 1600, Baltimore, Maryland
21202, the proceedings being recorded
stenographically by Jonathan Wonnell, a Registered
Professional Court Reporter, and transcribed under
his direction.

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A P P E A R A N C E S O F C O U N S E L

On behalf of the United States of America:
JUSTIN DRAYCOTT, ESQ.
U.S. Department of Justice
Civil Division
P.O. Box 261, Ben Franklin Station
Washington, D.C. 20044

Bassano, Amy
(202) 305-1088

On behalf of the U.S. Department of Health and
Human Services:
LESLIE M. STAFFORD, ESQ.
U.S. Department of Health & Human
Services
Office of General Counsel, CMS Division
7500 Security Boulevard
Mail Stop C2-05-23
Baltimore, Maryland 21244
(410) 786-9655

A P P E A R A N C E S (Cont'd)

On behalf of Abbott Laboratories, Inc.:
LOUIS P. GABEL, ESQ.
Jones Day
51 Louisiana Avenue, N.W.
Washington, D.C. 20001-2113
(202) 879-3939
lp_gabel@jonesday.com

On behalf of Baxter Health Care and Baxter
International:
SHAMIR PATEL, ESQ. (via phone)
Dickstein Shapiro LLP
1825 Eye Street, N.W.
Washington, D.C. 20006
(202) 420-2728
patels@ dickstei nshapi ro.com

A P P E A R A N C E S (Cont'd)

On behalf of Dey, Inc., Dey L.P., Inc. and Dey
L.P.:
SARAH L. REID, ESQ.
Kelley, Drye & Warren LLP
101 Park Avenue
New York, New York 10178
(212) 808-7720
sreid@kelleydrye.com

Attorneys for Roxane Laboratories and
Boehringer Ingelheim:
JARED T. HECK, ESQ. (via phone)
Kirkland & Ellis
200 East Randolph Drive
Chicago, Illinois 60601

18 Bassano, Amy
 19 (312) 469-7087
 20 jheck@kirkland.com

21 ALSO PRESENT:
 22 ELLEN HEBERT, Videographer

0006

1	I N D E X O F E X A M I N A T I O N S	
2	WITNESS NAME	PAGE
3	AMY BASSANO	
4	By Mr. Gabel:	9
5	By Ms. Reid:	127
6	By Mr. Heck:	145

8	I N D E X O F E X H I B I T S	
9	NO. DESCRIPTION	PAGE
10	Exhibit Abbott 391, Subpoena to Amy Bassano	39
11	dated 11/17/07 (no Bates ref)	
12	Exhibit Abbott 392, Resume of Ms. Bassano (no	42
13	Bates ref)	
14	Exhibit Abbott 393, U.S. & Relator's FRCP	80
15	26(a)(1)(A) Disclosure (No Bates ref)	
16	Exhibit Dey 029, Plaintiffs' Initial Disclosures	137
17	(No Bates ref)	

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1 P R O C E E D I N G S
 2 (9:04 a.m.)
 3 THE VIDEOGRAPHER: Good morning. This is
 4 the video deposition of Amy Bassano taken by counsel
 5 for the Defendant In Re: Pharmaceutical Industry
 6 Average Wholesale Price Litigation regarding
 7 Ven-A-Care of the Florida Keys versus Abbott
 8 Laboratories, Inc. et al. from the United States
 9 District Court for the District of Massachusetts,
 10 MDL Number 1456, Civil Action Number 01-CV-12257-PBS
 11 and Case Number 06-CV-11337-PBS and other cases in
 12 which this has been cross noticed held in the
 13 offices of Hogan & Hartson at 111 South Calvert
 14 Street Baltimore, Maryland on this date, Wednesday
 15 November 7th 2007 at the time indicated on the video
 16 screen, 9:05 a.m.
 17 My name is Ellen Hebert. I am the legal
 18 video specialist. The court reporter is Jonathan
 19 Wonnell. We are employed by Henderson Legal
 20 Services. Will counsel please introduce themselves
 21 and the parties they represent?
 22 MR. GABEL: Louis Gabel from Jones Day.

0008

1 MS. REID: Sarah Reid from Kelley Drye on
 2 behalf of the Dey companies.
 3 MR. STAFFORD: Leslie Stafford on behalf

EXHIBIT G



**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE: PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE
LITIGATION

THIS DOCUMENT RELATES TO
ALL CASES IN MDL NO. 1456.¹

)
) MDL NO. 1456
)
) CIVIL ACTION: 01-CV-12257-PBS
)
) Judge Patti B. Saris
)
) Chief Magistrate Judge Marianne B. Bowler
)
)

CROSS-NOTICE OF DEPOSITION OF ROBERT BERENSON

PLEASE TAKE NOTICE that, pursuant to the Federal Rules of Civil Procedure, defendants Abbott Laboratories and Abbott Laboratories, Inc. (collectively, “Abbott”) hereby cross-notices the deposition of Robert Berenson for purposes of the above-captioned action. This deposition has been noticed in *United States ex rel. Ven-A-Care of the Florida Keys, Inc. v. Abbott Laboratories, Inc.*, a case originally filed in the United States District Court for the Southern District of Florida, Case No. 06-21303-CIV-ASG, and now part of MDL 1456 in the United States District Court for the District of Massachusetts (the “DOJ suit”). A copy of the notice of deposition in the DOJ suit is attached as Exhibit A.

Mr. Berenson’s deposition will take place at Jones Day, 51 Louisiana Ave., N.W., Washington, D.C., 20001-2113 on December 18, 2007 beginning at 10:00 a.m. The deposition will take place before a notary public, or any other officer authorized to administer oaths. The deposition will be taken upon cross-examination.

The deposition will be recorded by stenographic and/or sound and visual means. Arrangements will be made so that counsel may participate by telephone if they wish. The

¹ This notice applies to all cases in the MDL in which Abbott Laboratories or Abbott Laboratories, Inc. is named, has appeared and in which discovery has not closed.

deposition is being taken for the purposes of discovery, for use at trial, and for such other purposes as permitted under the Federal Rules of Civil Procedure.

Dated: November 28, 2007

/s/ Brian J. Murray

James R. Daly

Tina M. Tabacchi

Brian J. Murray

JONES DAY

77 West Wacker Drive, Suite 3500

Chicago, IL 60601

Tel: (312) 782-3939

Fax: (312) 782-8585

*Counsel for Defendants Abbott Laboratories and
Abbott Laboratories, Inc.*

CERTIFICATE OF SERVICE

I, Jeremy P. Cole, an attorney, hereby certify that I caused a true and correct copy of the foregoing CROSS-NOTICE OF DEPOSITION OF ROBERT BERENSON to be served upon all counsel of record electronically via LexisNexis, this 28th day of November, 2007.

/s/ Jeremy P. Cole

Jeremy P. Cole

EXHIBIT A

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE: PHARMACEUTICAL INDUSTRY	)	MDL NO. 1456
AVERAGE WHOLESALE PRICE)	
LITIGATION	)	CIVIL ACTION: 01-CV-12257-PBS
)	
	)	Judge Patti B. Saris
THIS DOCUMENT RELATES TO)	
<i>U.S. ex rel. Ven-A-Care of the Florida Keys,</i>	)	Magistrate Judge Marianne B. Bowler
<i>Inc. v. Abbott Laboratories, Inc., et al.</i>)	
No. 06-CV-11337-PBS)	

NOTICE OF DEPOSITION OF ROBERT BERENSON

PLEASE TAKE NOTICE that, pursuant to Rule 30(b)(1) of the Federal Rules of Civil Procedure, Abbott Laboratories, Inc. ("Abbott") by its undersigned attorneys, will take the deposition of Robert Berenson

The deposition will take place before a notary public, or any other officer authorized to administer oaths, at Jones Day, 51 Louisiana Ave., N.W., Washington, D.C., on December 18, 2007, beginning at 10:00 a.m. and continuing on successive days as necessary. The attached subpoena *duces tecum* directs the witness to appear for deposition and produce certain documents. The deposition will be taken upon cross-examination.

Such deposition will be recorded by stenographic and/or sound and visual means. The deposition is being taken for the purposes of discovery, for use at trial, and for such other purposes as permitted under the Federal Rules of Civil Procedure.

Dated: November 26, 2007

/s/ R. Christopher Cook

James R. Daly
Tina M. Tabacchi
Brian J. Murray
JONES DAY
77 West Wacker Drive, Suite 3500
Chicago, Illinois 60601
Telephone: (312) 782-3939
Facsimile: (312) 782-8585

R. Christopher Cook
David S. Torborg
JONES DAY
51 Louisiana Avenue, N.W.
Washington, D.C. 20001-2113
Telephone: (202) 879-3939
Facsimile: (202) 626-1700

Counsel for Defendant Abbott Laboratories, Inc.

CERTIFICATE OF SERVICE

I, R. Christopher Cook, an attorney, hereby certify that I caused a true and correct copy of the foregoing NOTICE OF DEPOSITION OF ROBERT BERENSON to be served upon all counsel of record electronically by causing same to be posted via LexisNexis, this 26th day of November, 2007.

/s/ R. Christopher Cook
R. Christopher Cook

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

<p>IN RE: PHARMACEUTICAL INDUSTRY AVERAGE WHOLESALE PRICE LITIGATION</p> <p>THIS DOCUMENT RELATES TO <i>U.S. ex rel. Ven-A-Care of the Florida Keys, Inc. v. Abbott Laboratories, Inc., et al.</i></p>	<p style="text-align: center;">Pending in:</p> <p style="text-align: center;">UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS</p> <p>MDL NO. 1456</p> <p>Civil Action No. 06-CV-11337-PBS Lead Case No. 01-CV-12257-PBS</p> <p>Judge Patti B. Saris</p> <p>Magistrate Judge Marianne B. Bowler</p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

SUBPOENA DUCES TECUM

TO: Robert Berenson
c/o Justin Draycott, Esq.
U.S. Department of Justice
601 D Street, N.W., Ninth Floor
Washington, D.C. 20004

☐ YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

☒ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

Jones Day
51 Louisiana Ave., N.W.
Washington, D.C. 20001

DATE AND TIME

December 18, 2007 at
10:00 AM

☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

Please see attached Exhibit A

PLACE

DATE AND TIME

☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE

Attorney for Defendant Abbott Laboratories, Inc.

November 26, 2007

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER: R. Christopher Cook, Esq., Jones Day, 51 Louisiana Ave., N.W., Washington, D.C. 20001, (202) 879-3939

(See Rule 45, Federal Rules of Civil Procedure, Parts C & D on Reverse)

(C) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d) (2) of this rule, a person commanded to produce and permit inspection and copying may within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party service the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c) (3) (B) (iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or
- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
- (iv) subjects a person to undue burden.

(B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
- (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

EXHIBIT A

Documents Requested

1. A copy of your most current resume.
2. A copy of any and all Documents in your personal possession relating in any way to the pricing of drugs and/or the administration or dispensing of drugs under Medicare or Medicaid.
3. A copy of any and all Documents in your personal possession concerning the use of AWP or WAC by the Medicare or Medicaid programs for the reimbursement of drugs and/or the administration or dispensing of drugs.
4. A copy of any and all Documents in your personal possession concerning communications with Ven-A-Care of the Florida Keys, Inc., Centers for Medicare and Medicaid Services ("CMS") (including the office of the General Counsel), and/or any party which is a plaintiff in any litigation relating to AWP, WAC, and/or the pricing of drugs under Medicare or Medicaid.
5. A copy of any and all Documents in your personal possession concerning communications with the Department of Justice ("DOJ") or CMS regarding limitations on communications with any party which is a defendant in any litigation relating to AWP, WAC, and/or the pricing of drugs under Medicare or Medicaid.

Definitions

1. "AWP" or "Average Wholesale Price" means any figures so categorized and periodically published by any Publisher.
2. "Concern," "concerning," "relating to," or "relate to" means refer to, regard, concern, describe, explain, state, evidence, record, constitute, pertain to, reflect, comprise, contain, embody, mention, show, support, contradict, and discuss, whether directly or indirectly, as required by the context to bring within the scope of the requests in this request for production of documents any documents that might be deemed outside their scope by another construction.
3. "Documents" means all original written, recorded, or graphic matters whatsoever, and any and all non-identical copies thereof, including but not limited to advertisements, affidavits, agreements, analyses, applications, appointment books, bills, binders, books, books of account, brochures, calendars, charts, checks or other records of payment, communications, computer printouts, computer stores data, conferences, or other meetings, contracts, correspondence, diaries, electronic mail, evaluations, facsimiles, files, filings, folders, forms, interviews, invoices, jottings, letters, lists, manuals, memoranda, microfilm or other data

compilations from which information can be derived, minutes, notations, notebooks, notes, opinions, pamphlets, papers, photocopies, photographs or other visual images, policies, recordings of telephone or other conversations, records, reports, resumes, schedules, scraps of paper, statements, studies, summaries, tangible things, tapes, telegraphs, telephone logs, telex messages, transcripts, website postings, and work papers, which are in the possession of the Carrier as defined above. A draft or non-identical copy is a separate document within the meaning of this term.

4. "WAC" means "Wholesale Acquisition Cost."

EXHIBIT G-1

Berenson, Dr. Robert

0001

1
2 FOR THE DISTRICT OF MASSACHUSETTS
3 - - - - -X
4 IN RE: PHARMACEUTICAL : MDL NO. 1456
5 INDUSTRY AVERAGE WHOLESALE : CIVIL ACTION
6 PRICE LITIGATION : 01-CV-12257-PBS
7 THIS DOCUMENT RELATES TO :
8 U.S. ex rel. Ven-a-Care of : Judge Patti B. Saris
9 the Florida Keys, Inc. :
10 v. :
11 Abbott Laboratories, Inc., : Chief Magistrate
12 No. 06-CV-11337-PBS : Judge Marianne B.
13 - - - - -X Bowler
14 (CROSS NOTICED CAPTIONS ON FOLLOWING PAGES)
15 Videotaped deposition of DR. ROBERT BERENSON
16 Volume I
17 Washington, D. C.
18 Wednesday, December 18, 2007
19 10:10 a.m.
20
21
22

0002

1 COMMONWEALTH OF KENTUCKY
2 FRANKLIN COURT - DIV. II
3 - - - - -X
4 COMMONWEALTH OF KENTUCKY, :
5 Plaintiff, : Civil Action No.
6 vs. : 03-CI-1134
7 ABBOTT LABORATORIES, INC., :
8 et al., :
9 Defendants. :
10 - - - - -X
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0003

1 IN THE COURT OF COMMON PLEAS
2 FIFTH JUDICIAL CIRCUIT
3 - - - - -X
4 STATE OF SOUTH CAROLINA, and: STATE OF SOUTH CAROLINA
5 Henry D. McMaster, in his : COUNTY OF RICHLAND
6 official capacity as : Case No. 2006-CP-40-4394
7 Attorney General for the :
8 State of South Carolina, :

9 Berenson, Dr. Robert
 10 Plaintiffs, :
 11 vs. :
 12 ABBOTT LABORATORIES, INC., :
 13 Defendant. :
 14 - - - - - X

0004

1 IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
 2 STATE OF HAWAII
 3 - - - - - X
 4 STATE OF HAWAII, : Case No. 06-1-0720-04 EEH
 5 Plaintiff, :
 6 vs. :
 7 ABBOTT LABORATORIES, INC., :
 8 et al., :
 9 Defendants. :
 10 - - - - - X

11
 12 STATE OF WISCONSIN CIRCUIT COURT
 13 DANE COUNTY
 14 - - - - - X
 15 STATE OF WISCONSIN, :
 16 Plaintiff, :
 17 vs. : Case No. 04-CV-1709
 18 AMGEN, INC., et al., :
 19 Defendants. :
 20 - - - - - X

0005

1 IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
 2 OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA
 3 - - - - - X
 4 STATE OF IDAHO, :
 5 Plaintiff, :
 6 vs. : Case No. CV OC 0701846
 7 ABBOTT LABORATORIES, :
 8 Defendant. :
 9 - - - - - X

10
 11 IN THE CHANCERY COURT OF HINDS COUNTY, MISSISSIPPI
 12 FIRST JUDICIAL DISTRICT
 13 - - - - - X
 14 THE STATE OF MISSISSIPPI, :
 15 Plaintiff, :
 16 vs. : Civil Action No.
 17 ABBOTT LABORATORIES, INC., : G2005-2021

18 et al., Berenson, Dr. Robert
 19 Defendants.
 20 - - - - - x
 21
 22
 0006
 1 COURT OF COMMON PLEAS
 2 HAMILTON COUNTY, OHIO
 3 - - - - - x
 4 STATE OF OHIO, : Judge Myers
 5 Plaintiff, : Consolidated Civil Case
 6 vs. : A0402047
 7 DEY, INC., et al., : (Case Remanded - No. may
 8 Defendants. : change)
 9 - - - - - x

10
 11 UNITED STATES DISTRICT COURT
 12 FOR THE DISTRICT OF MASSACHUSETTS
 13 - - - - - x
 14 IN RE PHARMACEUTICAL : MDL No. 1456
 15 AVERAGE WHOLESALE PRICE : Civil Action Nos.
 16 LITIGATION : 1:07-cv-10270-PBS
 17 : 1:01-cv-12257-PBS
 18 This filing relates to: : (Pending Remand)
 19 State of Ohio v. Dey, Inc., :
 20 et al., : Judge Patti B. Saris
 21 Case No. 1:07-cv-10270-PBS :
 22 - - - - - x

0007
 1 IN THE COMMONWEALTH COURT OF PENNSYLVANIA
 2 - - - - - -x
 3 COMMONWEALTH OF PENNSYLVANIA :
 4 by THOMAS W. CORBETT, JR., in :
 5 his capacity as Attorney :
 6 General of the Commonwealth :
 7 of Pennsylvania, :
 8 Plaintiff, :
 9 vs. : No. 212 M.D. 2004
 10 TAP Pharmaceutical Products, :
 11 Inc., et al., :
 12 Defendants. :
 13 - - - - - -x
 14
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0008
 1 IN THE CIRCUIT COURT OF
 2 MONTGOMERY COUNTY, ALABAMA
 3 - - - - - -x

4 STATE OF ALABAMA, Berenson, Dr. Robert
 5 Plaintiff,
 6 vs. Case No.: CV-2005-219
 7 ABBOTT LABORATORIES, INC., Judge Charles Price
 8 et al.
 9 Defendants.
 10 - - - - -X

11
 12 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
 13 COUNTY DEPARTMENT, CHANCERY DIVISION
 14 - - - - -X
 15 THE PEOPLE OF THE STATE OF
 16 ILLINOIS,
 17 Plaintiff,
 18 vs. Case No. 05CH02474
 19 ABBOTT LABORATORIES, et al.,
 20 Defendants.
 21 - - - - -X
 22

0009
 1 STATE OF NEW YORK
 2 SUPREME COURT: COUNTY OF OSWEGO
 3 - - - - -X
 4 COUNTY OF OSWEGO,
 5 Plaintiff,
 6 vs. Index No. 06-0697
 7 ABBOTT LABORATORIES, INC.,
 8 et al.,
 9 Defendants.
 10 - - - - -X
 11 STATE OF NEW YORK
 12 SUPREME COURT: COUNTY OF SCHENECTADY
 13 - - - - -X
 14 COUNTY OF SCHENECTADY,
 15 Plaintiff,
 16 vs. Index No. 06-0886
 17 ABBOTT LABORATORIES, INC.,
 18 et al.,
 19 Defendants.
 20 - - - - -X
 21
 22

0010
 1 STATE OF NEW YORK
 2 SUPREME COURT: COUNTY OF ERIE
 3 - - - - -X
 4 COUNTY OF ERIE,
 5 Plaintiff,
 6 vs. Index No. 05-2439
 7 ABBOTT LABORATORIES, INC.,
 8 et al.,
 9 Defendants.
 10 - - - - -X
 11
 12

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

13 Berenson, Dr. Robert
 14 THIRD JUDICIAL DISTRICT AT ANCHORAGE
 15 - - - - - x
 16 STATE OF ALASKA, :
 17 Plaintiff, : Case No. 3AN-060-12297CI
 18 vs. :
 19 ABBOTT LABORATORIES and DEY, :
 20 INC. , :
 21 Defendants. :
 22 - - - - - x

0011

1 IN THE COURT OF THE SECOND JUDICIAL CIRCUIT
 2 IN AND FOR LEON COUNTY, FLORIDA
 3 THE STATE OF FLORIDA
 4 ex rel. :
 5 - - - - - x
 6 VEN-A-CARE OF THE FLORIDA :
 7 KEYS, INC., a Florida :
 8 Corporation, by and through its :
 9 principal officers and directors, :
 10 ZACHARY T. BENTLEY and :
 11 T. MARK JONES, :
 12 Plaintiffs, :
 13 vs. : Civil Action
 14 MYLAN LABORATORIES INC.; MYLAN : No.: 98-3032G
 15 PHARMACEUTICALS INC.; NOVOPHARM : Judge: William
 16 LTD., SCHEIN PHARMACEUTICAL, INC.; : L. Gary
 17 TEVA PHARMACEUTICAL INDUSTRIES :
 18 LTD., TEVA PHARMACEUTICAL USA; :
 19 and WATSON PHARMACEUTICALS, INC., :
 20 Defendants. :
 21 - - - - - x
 22

0012

1 IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS
 2 STATE OF MISSOURI
 3 - - - - - x
 4 STATE OF MISSOURI, ex rel, :
 5 JEREMIAH W. (JAY) NIXON, :
 6 Attorney General, :
 7 and :
 8 MISSOURI DEPARTMENT OF SOCIAL :
 9 SERVICES, DIVISION OF MEDICAL :
 10 SERVICES, : Case No.
 11 Plaintiffs, : 054-1216
 12 vs. : Division No. 31
 13 DEY INC., DEY, L. P., MERCK KGaA, :
 14 EMD, INC., WARRICK :
 15 PHARMACEUTICALS CORPORATION, :
 16 SCHERING-PLOUGH CORPORATION, and :
 17 SCHERING CORPORATION, :
 18 Defendants. :
 19 - - - - - x
 20
 21

Berenson, Dr. Robert

22

0013

1 CAUSE NO. D-1-GV-07-0001259
2 - - - - - x In the District Court
3 THE STATE OF TEXAS, ex. rel. :
4 VEN-A-CARE OF THE FLORIDA :
5 KEYS, INC. : Travis County, Texas
6 Plaintiffs, :
7 SANDOZ, INC., f/k/a GENEVA : 201st Judicial
8 PHARMACEUTICALS, INC., NOVARTIS : District
9 PHARMACEUTICALS, INC., NOVARTIS :
10 AG, EON LABS, APOTHECON, INC., :
11 MYLAN PHARMACEUTICALS, INC., MYLAN :
12 LABORATORIES, INC., UDL :
13 LABORATORIES, INC., TEVA :
14 PHARMACEUTICALS USA, INC., f/k/a :
15 LEMMON PHARMACEUTICALS, INC., :
16 COPLEY PHARMACEUTICALS, INC., IVAX :
17 PHARMACEUTICALS, INC., SICOR :
18 PHARMACEUTICALS, INC., TEVA :
19 NOVAPHARM, INC., and TEVA :
20 PHARMACEUTICAL INDUSTRIES, LTD. :
21 Defendants. :
22 - - - - - x

0014

1 Videotaped Telephone Deposition of DR.
2 ROBERT BERENSON, a witness herein, called for
3 examination by counsel for Abbott Laboratories in the
4 above-entitled matter, pursuant to notice, the
5 witness being duly sworn by SUSAN L. CIMINELLI, a
6 Notary Public in and for the District of Columbia,
7 taken at the offices of Jones Day, 51 Louisiana
8 Avenue, N.W., Washington, D.C., at 10:10 a.m., and
9 the proceedings being taken down by Stenotype by
10 SUSAN L. CIMINELLI, CRR, RPR, and transcribed under
11 her direction.
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0015

1 APPEARANCES:
2
3 On Behalf of the United States of
4 America:
5 JUSTIN DRAYCOTT, ESQ.
6 U. S. Department of Justice
7 Civil Division

Berenson, Dr. Robert
601 D Street, Northwest
PHB - 9028/P.O. Box 261
Washington, D.C. 20044
justin.dracycott@usdoj.gov
(202) 307-1088

On Behalf of the U.S. Department of
Health and Human Services:
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U.S. Department of Health and Human Services
Office of General Counsel, CMS Division
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Washington, D.C. 20201
(202) 205-8702
deborah.chasan-sloan@hhs.gov

APPEARANCES:

On behalf of the State of California:
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Supervising Deputy Attorney General
Civil Prosecutions Unit
P.O. Box 85266
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On Behalf of the State of Alabama: (via telephone)
CLAY BARNETT, ESQ.
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clay.barnett@beasleyallen.com

APPEARANCES:

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On Behalf of Ven-a-Care of the Florida Keys, Inc.:
(Via telephone)
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Mager & Goldstein LLP
1818 Market Street
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Berenson, Dr. Robert
Philadelphia, PA 19103
(215) 640-3280

17
18
19
20
21
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0018

1 APPEARANCES:

2
3 On Behalf of Schering-Plough Corporation and
4 Schering Corporation and Warlick Pharmaceuticals
5 Corporation: (via telephone)
6 GINGER APPLEBERRY, ESQ.
7 Locke Lord Bissell & Liddell LLP
8 2200 Ross Avenue, Suite 2200
9 Dallas, Texas 75201
10 (214) 740-8725
11 gappleberry@lockelord.com
12

13 On Behalf of Abbott Laboratories:
14 BRIAN J. MURRAY, ESQ.
15 Jones Day
16 77 West Wacker
17 Chicago, IL 60601-1692
18 (312) 269-4141
19 bj.murray@jonesday.com
20
21
22

0019

1 APPEARANCES:

2
3 On behalf of the States of Alaska, Hawaii,
4 Idaho, Illinois, Kentucky, South Carolina, and
5 Wisconsin: (Via telephone)
6 ROBERT LIBMAN, ESQ.
7 Miner, Barnhill & Galland
8 44 East Martin St.
9 Suite 803
10 Madison, WI
11 (608) 255-3200
12

13 On Behalf of Bristol-Myers Squibb: (Via telephone)
14 EVA DIETZ, ESQ.
15 Hogan & Hartson LLP
16 875 Third Avenue
17 New York, New York 10022
18 (212) 918-3528
19 eva.dietz@hhlaw.com
20
21
22

0020

1 APPEARANCES:

2

Berenson, Dr. Robert
On Behalf of Dey, Inc. and Dey, L.P. and Mylan:
NEIL MERKL, ESQ.
Kelley Drye & Warren LLP
101 Park Avenue
New York, New York 10178
212) 808-7811
nmerkl@kelleydrye.com

On Behalf of Roxane Laboratories and Boehringer
Ingelheim:
ERIC GORTNER, ESQ.
Kirkland & Ellis LLP
200 East Randolph Drive
Chicago, Illinois 60601
egortner@kirkland.com
(312) 861-2286

ALSO PRESENT:
Conway Barker, Videographer

0021

C O N T E N T S	
EXAMINATION	COUNSEL FOR DEFENDANT ABBOTT
By Mr. Murray	25
	COUNSEL FOR DEFENDANT DEY
By Mr. Merkl	187
	COUNSEL FOR DEFENDANT ROXANE
By Mr. Gortner	288
	COUNSEL FOR ALASKA, ET AL.
By Mr. Libman	316

Afternoon session - 110

E X H I B I T S	
ABBOTT EXHIBIT NO.	PAGE
Exhibit Abbott 441-Dr. Robert A. Berenson resume	28
Exhibit Abbott 442-Berenson Notice of Deposition	30
Exhibit Abbott 443-HHC001-0671-76 Contact Report	118
Exhibit Abbott 444-HHC001-0661 6/27/00 Memo from Parker	126
Exhibit Abbott 445-AWP039-2749-50 8/15/00 letter	130
Exhibit Abbott 446-AWP039-2746-771 Letters	172
Exhibit Abbott 447-HHD101-1307-1314 Parver letter	180

0022

E X H I B I T S	
DEY EXHIBIT	PAGE
Exhibit Dey 033-New York Times article 9/21/07	255
Exhibit Dey 034-HHD101-1198 HHS letter 9/27/00	272
Exhibit Dey 035-Market Watch Article	288

EXHIBIT H



**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE
LITIGATION

)
)
) MDL No. 1456
)
)

) Civil Action No. 01-12257-PBS
)

THIS DOCUMENT RELATES TO:

) Judge Patti B. Saris
)

ALL ACTIONS ¹

) Magistrate Judge Marianne B. Bowler
)
)
)

**CROSS-NOTICE OF DEPOSITIONS OF LINDA RAGONE, CHARLES BOOTH,
DAVID TAWES, THOMAS SCULLY, BRUCE VLADECK, LISA FOLEY STAND, AND
NANCY-ANN MIN DEPARLE**

PLEASE TAKE NOTICE that, pursuant to Rule 30 of the Federal Rules of Civil Procedure, Schering Corporation ("Schering"), Schering Plough Corporation ("Schering Plough"), and Warrick Pharmaceuticals Corporation ("Warrick")² hereby cross-notice the depositions of Linda Ragone, Charles Booth, David Tawes, Thomas Scully, Bruce Vladeck, Lisa Foley Stand, and Nancy-Ann Min DeParle for purposes of all cases pending in MDL No. 1456. These depositions have been noticed in *U.S. ex rel. Ven-A-Care of the Florida Keys, Inc. v. Abbott Laboratories, Inc.*, No. 06-CV-11337-PBS, a matter that is currently a part of MDL No. 1456. Copies of the deposition notices and subpoenas are attached as Exhibits A-G.

Ms. Ragone's deposition will begin at 9:00 am on April 17, 2007 at the offices of Morgan Lewis, 1701 Market Street, Philadelphia, PA 19103. Mr. Booth's deposition will begin at 9:00

¹ As explained herein, this cross-notice regards all actions pending in MDL No. 1456, to the extent permitted under the Federal Rules of Civil Procedure, Court order, and any other applicable rules.

² This cross-notice, which is being served for purposes of a number of actions pending in MDL No. 1456, is only served in a particular action on behalf of those entities that have appeared, been named, and been served in that particular action. To the extent that Schering, Schering Plough, or Warrick have not appeared, been served, or been named in a particular action, this notice does not constitute an appearance, consent to service, or consent to joinder

am on April 23, 2007 at the offices of Jones Day, 51 Louisiana Avenue, N.W., Washington, D.C., 20001. Mr. Tawes deposition will begin at 9:00 am on April 24, 2007 at the offices of Morgan Lewis, 1701 Market Street, Philadelphia, PA 19103. Mr. Scully's deposition will begin at 9:00 am on May 1, 2007 at the offices of Jones Day, 51 Louisiana Avenue, N.W., Washington, D.C., 20001. Mr. Vladeck's deposition will begin at 8:30 am on May 4, 2007 at the offices of Jones Day, 222 East 41st Street, New York, NY 10017. Ms. Stand's deposition will begin at 9:00 am on May 10, 2007 at the offices of Jones Day, 51 Louisiana Avenue, N.W., Washington, D.C., 20001. Ms. DeParle's deposition will begin at 9:00 am on May 18, 2007, at the offices of Jones Day, 51 Louisiana Avenue, N.W., Washington, D.C., 20001.

The depositions will take place before a notary public, or any other officer authorized to administer oaths. The depositions will be taken upon cross-examination. The depositions will be recorded by stenographic and/or sound and visual means. Arrangements will be made so that counsel may participate via telephone if they wish. The depositions are being taken for the purpose of discovery, for use at trial, and for such other purposes as permitted under the Federal Rules of Civil Procedure.

by Schering, Schering Plough, or Warrick, respectively, in that action. Schering, Schering Plough, and Warrick also do not waive any objection regarding jurisdiction or other defenses, where applicable.

By attorneys,

/s/ Eric P. Christofferson

John T. Montgomery (BBO#352220)

Steven A. Kaufman (BBO#262230)

Eric P. Christofferson (BBO#654087)

Ropes & Gray LLP

One International Place

Boston, Massachusetts 02110-2624

(617) 951-7000

*Attorneys for Schering Corporation, Schering-
Plough Corporation, and Warrick
Pharmaceuticals Corporation*

Dated: April 9, 2007

CERTIFICATE OF SERVICE

I hereby certify that on April 9, 2007, I caused a true and correct copy of the foregoing to be served on all counsel of record by electronic service pursuant to Case Management Order No. 2 entered by the Honorable Patti B. Saris in MDL 1456.

/s/ Adam Wright
Adam Wright

EXHIBIT H-1

Washington, DC

Page 1

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MASSACHUSETTS

- - - - -x

IN RE: PHARMACEUTICAL : MDL NO. 1456

INDUSTRY AVERAGE WHOLESALE : CIVIL ACTION:

PRICE LITIGATION : 01-CV-12257-PBS

THIS DOCUMENT RELATES TO :

U.S. ex rel. Ven-a-Care of : Judge Patti B. Saris

the Florida Keys, Inc. v. :

Abbott Laboratories, Inc., : Chief Magistrate

No. 06-CV-11337-PBS : Judge Marianne B.

- - - - -x Bowler

IN THE CIRCUIT COURT OF

MONTGOMERY COUNTY, ALABAMA

- - - - -x

STATE OF ALABAMA, :

Plaintiff, :

vs. : Case No.: CV-05-219

ABBOTT LABORATORIES, INC., : Judge Charles Price

et al., :

Defendants. :

- - - - -x

Booth, Charles R.

April 23, 2007

Washington, DC

<p style="text-align: right;">Page 2</p> <p>1 IN THE COURT OF THE SECOND JUDICIAL CIRCUIT</p> <p>2 IN AND FOR LEON COUNTY, FLORIDA</p> <p>3</p> <p>4 THE STATE OF FLORIDA</p> <p>5 ex rel.</p> <p>6 ----- x</p> <p>7 VEN-A-CARE OF THE FLORIDA :</p> <p>8 KEYS, INC., a Florida :</p> <p>9 Corporation, by and through its :</p> <p>10 principal officers and directors, :</p> <p>11 ZACHARY T. BENTLEY and :</p> <p>12 T. MARK JONES, :</p> <p>13 Plaintiffs, :</p> <p>14 vs. : Civil Action</p> <p>15 MYLAN LABORATORIES INC.; MYLAN : No.: 98-3032G</p> <p>16 PHARMACEUTICALS INC.; NOVOPHARM : Judge: William</p> <p>17 LTD., SCHEIN PHARMACEUTICAL, INC.; : L. Gary</p> <p>18 TEVA PHARMACEUTICAL INDUSTRIES :</p> <p>19 LTD., TEVA PHARMACEUTICAL USA; :</p> <p>20 and WATSON PHARMACEUTICALS, INC., :</p> <p>21 Defendants. :</p> <p>22 ----- x</p>	<p style="text-align: right;">Page 4</p> <p>1 Washington, D.C.</p> <p>2 Monday, April 23, 2007</p> <p>3</p> <p>4 Videotaped Deposition of CHARLES R. BOOTH,</p> <p>5 a witness herein, called for examination by counsel</p> <p>6 for Abbott Laboratories in the above-entitled</p> <p>7 matter, pursuant to notice, the witness being duly</p> <p>8 sworn by KAREN YOUNG, a Notary Public in and for the</p> <p>9 District of Columbia, taken at the offices of Jones</p> <p>10 Day, 51 Louisiana Avenue, Northwest, Washington,</p> <p>11 D.C., at 9:41 a.m. on Monday, April 23, 2007, and</p> <p>12 the proceedings being taken down by Stenotype by</p> <p>13 KAREN YOUNG, and transcribed under her direction.</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>
<p style="text-align: right;">Page 3</p> <p>1 IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS</p> <p>2 STATE OF MISSOURI</p> <p>3</p> <p>4 ----- x</p> <p>5 STATE OF MISSOURI, ex rel., :</p> <p>6 JEREMIAH W. (JAY) NIXON, :</p> <p>7 Attorney General, :</p> <p>8 and :</p> <p>9 MISSOURI DEPARTMENT OF SOCIAL :</p> <p>10 SERVICES, DIVISION OF MEDICAL : Case No.:</p> <p>11 SERVICES, : 054-1216</p> <p>12 Plaintiffs, : Division No. 31</p> <p>13 vs. :</p> <p>14 DEY INC., DEY, L.P., MERCK KGaA, :</p> <p>15 EMD, INC., WARRICK :</p> <p>16 PHARMACEUTICALS CORPORATION, :</p> <p>17 SCHERING-PLOUGH CORPORATION, and :</p> <p>18 SCHERING CORPORATION, :</p> <p>19 Defendants. :</p> <p>20 ----- x</p> <p>21</p> <p>22</p>	<p style="text-align: right;">Page 5</p> <p>1 APPEARANCES:</p> <p>2 On Behalf of the United States of America:</p> <p>3</p> <p>4 GEJAA T. GOBENA, ESQ.</p> <p>5 LAURIE A. OBEREMBT, ESQ.</p> <p>6 U.S. Department of Justice</p> <p>7 Civil Division</p> <p>8 601 D Street, Northwest</p> <p>9 PHB - 9028/P.O. Box 261</p> <p>10 Washington, D.C. 20044</p> <p>11 Gejaa.Gobena@usdoj.gov</p> <p>12 (202) 307-1088</p> <p>13 (by telephone)</p> <p>14</p> <p>15 ANA MARIA MARTINEZ, ESQ.</p> <p>16 Assistant United States Attorney</p> <p>17 Southern District of Florida</p> <p>18 99 N.E. Fourth Street</p> <p>19 Miami, Florida 33132</p> <p>20 Ana.Maria.Martinez@usdoj.gov</p> <p>21 (305) 961-9431</p> <p>22</p>

2 (Pages 2 to 5)

<p style="text-align: right;">Page 6</p> <p>1 APPEARANCES (continued):</p> <p>2</p> <p>3 On Behalf of the U.S. Department of</p> <p>4 Health and Human Services:</p> <p>5</p> <p>6 BRIAN KELLEY, ESQ.</p> <p>7 U.S. Department of Health and</p> <p>8 Human Services</p> <p>9 300 Independence Avenue, Southwest</p> <p>10 Washington, D.C. 20201</p> <p>11 brian.kelley@hhs.gov</p> <p>12 (202) 205-8702</p> <p>13</p> <p>14 On Behalf of the KMS New York Counties:</p> <p>15 MICHAEL WINGET-HERNANDEZ, ESQ.</p> <p>16 Winget-Hernandez, LLC</p> <p>17 3112 Windsor Road, #228</p> <p>18 Austin, Texas 78703</p> <p>19 michael@winget-hernandez.com</p> <p>20</p> <p>21</p> <p>22</p>	<p style="text-align: right;">Page 8</p> <p>1 APPEARANCES (continued):</p> <p>2</p> <p>3 On Behalf of Ven-a-Care of the</p> <p>4 Florida Keys, Inc.:</p> <p>5</p> <p>6 JAMES JOSEPH BREEN, ESQ.</p> <p>7 The Breen Law Firm</p> <p>8 5755 North Point Parkway</p> <p>9 Suite 39</p> <p>10 Alpharetta, Georgia 30022</p> <p>11 jbreen@breenlaw.com</p> <p>12 (770) 740-0008</p> <p>13</p> <p>14 On Behalf of the MDL Plaintiffs:</p> <p>15 JENNIFER FOUNTAIN CONNOLLY, ESQ.</p> <p>16 Wexler Toriseva Wallace</p> <p>17 One North LaSalle Street</p> <p>18 Suite 2000</p> <p>19 Chicago, Illinois 60602</p> <p>20 jfc@wtwlaw.us</p> <p>21 (312) 261-6195</p> <p>22</p>
<p style="text-align: right;">Page 7</p> <p>1 APPEARANCES (continued):</p> <p>2</p> <p>3 On Behalf of the State of Alabama:</p> <p>4 (by telephone)</p> <p>5 ROGER BATES, ESQ.</p> <p>6 Hand Arendall, L.L.C.</p> <p>7 1200 Park Place Tower</p> <p>8 2001 Park Place North</p> <p>9 Birmingham, AL 35203</p> <p>10</p> <p>11 On Behalf of the State of Florida:</p> <p>12 MARY S. MILLER, ESQ.</p> <p>13 Assistant Attorney General</p> <p>14 Office of the Attorney General</p> <p>15 State of Florida</p> <p>16 PL-01, The Capitol</p> <p>17 Tallahassee, Florida 32399-1050</p> <p>18 Mary.Miller@myfloridalegal.com</p> <p>19 (850) 414-3600</p> <p>20</p> <p>21</p> <p>22</p>	<p style="text-align: right;">Page 9</p> <p>1 APPEARANCES (continued):</p> <p>2</p> <p>3 On Behalf of Schering-Plough Corporation and</p> <p>4 Schering Corporation and Warrick</p> <p>5 Pharmaceuticals Corporation:</p> <p>6 KARIN TORGERSON, ESQ.</p> <p>7 Locke Liddell & Sapp</p> <p>8 2200 Ross Avenue, Suite 2200</p> <p>9 Dallas, Texas 75201</p> <p>10 ktorgerson@lockliddell.com</p> <p>11 (214) 740-8725</p> <p>12</p> <p>13 On Behalf of Baxter Healthcare Corporation:</p> <p>14 (by telephone)</p> <p>15 MERLE M. DELANCEY, ESQ.</p> <p>16 Dickstein Shapiro LLP</p> <p>17 1825 Eye Street, Northwest</p> <p>18 Washington, D.C. 20006</p> <p>19 delanceym@dicksteinshapiro.com</p> <p>20 (202) 420-2282</p> <p>21</p> <p>22</p>

<p style="text-align: right;">Page 10</p> <p>1 APPEARANCES (continued):</p> <p>2</p> <p>3 On Behalf of Abbott Laboratories:</p> <p>4</p> <p>5 R. CHRISTOPHER COOK, ESQ.</p> <p>6 SEAN P. MALONE, ESQ.</p> <p>7 Jones Day</p> <p>8 51 Louisiana Avenue, Northwest</p> <p>9 Washington, D.C. 20001</p> <p>10 christophercook@jonesday.com</p> <p>11 spmalone@jonesday.com</p> <p>12 (202) 879-3939</p> <p>13 (by telephone)</p> <p>14 SARAH P. SPRUILL</p> <p>15 Haynsworth Sinkler Boyd, P.A.</p> <p>16 1201 Main Street, 22nd Floor</p> <p>17 Columbia, South Carolina 29201</p> <p>18 sspruill@hsblawfirm.com</p> <p>19 (803) 540-7854</p> <p>20</p> <p>21</p> <p>22</p>	<p style="text-align: right;">Page 12</p> <p>1 APPEARANCES (continued):</p> <p>2</p> <p>3 On Behalf of Johnson & Johnson:</p> <p>4</p> <p>5 ERIK HAAS, ESQ.</p> <p>6 Patterson Belknap Webb & Tyler LLP</p> <p>7 1133 Avenue of the Americas</p> <p>8 New York, New York 10036-6710</p> <p>9 ehaas@pbwt.com</p> <p>10 (212) 336-2117</p> <p>11</p> <p>12 On Behalf of Bristol-Myers Squibb:</p> <p>13</p> <p>14 LYNDON M. TRETTER, ESQ.</p> <p>15 Hogan & Hartson LLP</p> <p>16 875 Third Avenue</p> <p>17 New York, New York 10022</p> <p>18 lmtretter@hhlaw.com</p> <p>19 (212) 918-3528</p> <p>20</p> <p>21</p> <p>22</p>
<p style="text-align: right;">Page 11</p> <p>1 APPEARANCES (continued):</p> <p>2</p> <p>3 On Behalf of Sandoz, Inc.:</p> <p>4 VICTORIA R. ORLOWSKI, ESQ.</p> <p>5 White & Case LLP</p> <p>6 1155 Avenue of the Americas</p> <p>7 New York, New York 10036-2787</p> <p>8 vorlowski@whitecase.com</p> <p>9 (212) 819-8254</p> <p>10</p> <p>11 On Behalf of AstraZeneca Pharmaceuticals LP:</p> <p>12 (by telephone)</p> <p>13 CATHERINE LIFESO, ESQ.</p> <p>14 Davis Polk & Wardwell</p> <p>15 450 Lexington Avenue</p> <p>16 New York, New York 10017</p> <p>17 catherine.lifeso@dpw.com</p> <p>18 (212) 450-4452</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>	<p style="text-align: right;">Page 13</p> <p>1 APPEARANCES:</p> <p>2</p> <p>3 On Behalf of Dey, Inc. and Dey, L.P.:</p> <p>4 NEIL MERKL, ESQ.</p> <p>5 Kelley Drye & Warren LLP</p> <p>6 101 Park Avenue</p> <p>7 New York, New York 10178</p> <p>8 nmerkl@kelleydrye.com</p> <p>9 (212) 808-7811</p> <p>10</p> <p>11 On Behalf of Par Pharmaceuticals:</p> <p>12 PAUL K. DUEFFERT, ESQ.</p> <p>13 Williams & Connolly LLP</p> <p>14 725 Twelfth Street, Northwest</p> <p>15 Washington, D.C. 20005</p> <p>16 (202) 434-5097</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>

Booth, Charles R.

April 23, 2007

Washington, DC

Page 14	Page 16
1 APPEARANCES:	1 C O N T E N T S
2	2 THE WITNESS:
3 On Behalf of Aventis Pharmaceuticals:	3 CHARLES R. BOOTH
4	4 By Mr. Cook 23
5 JENNIFER H. McGEE, ESQ.	5
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13 On Behalf of Roxane Laboratories and	13
14 Boehringer Ingelheim:	14
15	15
16 ERIC GORTNER, ESQ.	16
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21 (312) 861-2286	21
22	22
Page 15	Page 17
1 APPEARANCES:	1 E X H I B I T S
2	2 ABBOTT EXHIBIT NO. PAGE NO.
3 On Behalf of GlaxoSmithKline:	3 Exhibit Abbott 110 Notice of Deposition 028
4 MARK H. LYNCH, ESQ.	4 Exhibit Abbott 111 Subpoena 028
5 Covington & Burling LLP	5 Exhibit Abbott 112 Biographical Sketch of Charles
6 1201 Pennsylvania Avenue, Northwest	6 R. Booth 030
7 Washington, D.C. 20004-2401	7 Exhibit Abbott 113 OIG Report 094
8 MLYNCH@COV.COM	8 Exhibit Abbott 114 Memo from Director to Ass.
9 (202) 662-5544	9 Regional Administrators 113
10	10 Exhibit Abbott 115 Editor's Message 223
11 On Behalf of Amgen, Inc.:	11 Exhibit Abbott 116 Memo from Acting Director to
12 (by telephone)	12 Administrator 230
13 JENNIFER A. WALKER, ESQ.	13 Exhibit Abbott 117 Hearn letter to Whitlock,
14 Hogan & Hartson LLP	14 draft 230
15 111 South Calvert Street, Suite 1600	15 Exhibit Abbott 118 Brief for Respondent,
16 Baltimore, Maryland 21202	16 Louisiana vs. Department of
17 jawalker@hhlaw.com	17 HHS 238
18 (410) 659-2759	18 Exhibit Abbott 119 Departmental Appeals Board
19	19 Decision, 8/22/91 243
20 ALSO PRESENT:	20 Exhibit Abbott 120 Excerpt from Federal
21 Joey Thrower, Videographer	21 Register, 6/5/91 246
22	22 - - -

5 (Pages 14 to 17)

EXHIBIT H-2

Washington, DC

Page 1

1 UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF MASSACHUSETTS

3 - - - - - x

4 IN RE: PHARMACEUTICAL : MDL NO. 1456

5 INDUSTRY AVERAGE WHOLESALE : CIVIL ACTION:

6 PRICE LITIGATION : 01-CV-12257-PBS

7 THIS DOCUMENT RELATES TO :

8 U.S. ex rel. Ven-a-Care of : Judge Patti B. Saris

9 the Florida Keys, Inc. v. :

10 Abbott Laboratories, Inc., : Chief Magistrate

11 No. 06-CV-11337-PBS : Judge Marianne B.

12 - - - - - x Bowler

13 IN THE CIRCUIT COURT OF

14 MONTGOMERY COUNTY, ALABAMA

15 - - - - - x

16 STATE OF ALABAMA, :

17 Plaintiff, :

18 vs. : Case No.: CV-05-219

19 ABBOTT LABORATORIES, INC., : Judge Charles Price

20 et al., :

21 Defendants. :

22 - - - - - x

DeParle, Nancy-Ann

May 18, 2007

Washington, DC

<p style="text-align: right;">Page 2</p> <p>1 IN THE COURT OF THE SECOND JUDICIAL CIRCUIT</p> <p>2 IN AND FOR LEON COUNTY, FLORIDA</p> <p>3</p> <p>4 THE STATE OF FLORIDA</p> <p>5 ex rel.</p> <p>6 ----- x</p> <p>7 VEN-A-CARE OF THE FLORIDA :</p> <p>8 KEYS, INC., a Florida :</p> <p>9 Corporation, by and through its :</p> <p>10 principal officers and directors, :</p> <p>11 ZACHARY T. BENTLEY and :</p> <p>12 T. MARK JONES, :</p> <p>13 Plaintiffs, :</p> <p>14 vs. : Civil Action</p> <p>15 MYLAN LABORATORIES INC.; MYLAN : No.: 98-3032G</p> <p>16 PHARMACEUTICALS INC.; NOVOPHARM : Judge: William</p> <p>17 LTD., SCHEIN PHARMACEUTICAL, INC.; : L. Gary</p> <p>18 TEVA PHARMACEUTICAL INDUSTRIES :</p> <p>19 LTD., TEVA PHARMACEUTICAL USA; :</p> <p>20 and WATSON PHARMACEUTICALS, INC., :</p> <p>21 Defendants, :</p> <p>22 ----- x</p>	<p style="text-align: right;">Page 4</p> <p>1 Videotaped Deposition of NANCY-ANN</p> <p>2 DePARLE, a witness herein, called for examination by</p> <p>3 counsel for Abbott Laboratories in the</p> <p>4 above-entitled matter, pursuant to notice, the</p> <p>5 witness being duly sworn by Robert M. Jakupciak, a</p> <p>6 Notary Public in and for the District of Columbia,</p> <p>7 taken at the offices of Jones Day, 51 Louisiana</p> <p>8 Avenue, N.W., Washington, D.C. , 20001, at 9:00</p> <p>9 a.m., on May 18, 2007, and the proceedings being</p> <p>10 taken down by Stenotype by Robert M. Jakupciak, RPR.</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>
<p style="text-align: right;">Page 3</p> <p>1 IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS</p> <p>2 STATE OF MISSOURI</p> <p>3 ----- x</p> <p>4 STATE OF MISSOURI, ex rel., :</p> <p>5 JEREMIAH W. (JAY) NIXON, :</p> <p>6 Attorney General, :</p> <p>7 and :</p> <p>8 MISSOURI DEPARTMENT OF SOCIAL :</p> <p>9 SERVICES, DIVISION OF MEDICAL : Case No.:</p> <p>10 SERVICES, : 054-1216</p> <p>11 Plaintiffs, : Division No. 31</p> <p>12 vs. :</p> <p>13 DEY INC., DEY, L.P., MERCK KGaA, :</p> <p>14 EMD, INC., WARRICK :</p> <p>15 PHARMACEUTICALS CORPORATION, :</p> <p>16 SCHERING-PLOUGH CORPORATION, and :</p> <p>17 SCHERING CORPORATION, :</p> <p>18 Defendants, :</p> <p>19 ----- x</p> <p>20</p> <p>21</p> <p>22</p>	<p style="text-align: right;">Page 5</p> <p>1 APPEARANCES:</p> <p>2</p> <p>3 On behalf of the United States of America:</p> <p>4 JAMIE ANN YAVELBERG, ESQUIRE</p> <p>5 U.S. Department of Justice</p> <p>6 Civil Division</p> <p>7 P.O. Box 261</p> <p>8 Ben Franklin Station</p> <p>9 Washington, D.C. 20044</p> <p>10 (202) 514-6514</p> <p>11</p> <p>12 and</p> <p>13</p> <p>14 REBECCA A. FORD, ESQUIRE</p> <p>15 U.S. Department of Justice</p> <p>16 601 D Street, N.W.</p> <p>17 Patrick Henry Building - 9133</p> <p>18 Washington, D.C. 20044</p> <p>19 (202) 514-1511</p> <p>20</p> <p>21</p> <p>22</p>

2 (Pages 2 to 5)

<p style="text-align: right;">Page 6</p> <p>1 APPEARANCES (Cont'd.)</p> <p>2</p> <p>3 On behalf of the U.S. Department of</p> <p>4 Health and Human Services:</p> <p>5 DEBORAH M. CHASAN-SLOAN, ESQUIRE</p> <p>6 U.S. Department of Health and</p> <p>7 Human Services</p> <p>8 Room 5309, Cohen Building</p> <p>9 330 Independence Avenue, S.W.</p> <p>10 Washington, D.C. 20201</p> <p>11 (202) 619-2603</p> <p>12</p> <p>13 On behalf of the State of California:</p> <p>14 NICHOLAS N. PAUL, ESQUIRE</p> <p>15 Bureau of Medi-Cal Fraud & Elder Abuse</p> <p>16 P.O. Box 85266</p> <p>17 110 West A Street, #1100</p> <p>18 San Diego, California 92186</p> <p>19 (619) 688-6099</p> <p>20</p> <p>21</p> <p>22</p>	<p style="text-align: right;">Page 8</p> <p>1 APPEARANCES (Cont'd.)</p> <p>2</p> <p>3 On behalf of MDL Plaintiffs:</p> <p>4 JENNIFER FOUNTAIN CONNOLLY, ESQUIRE</p> <p>5 Wexler Toriseva Wallace LLP</p> <p>6 One North LaSalle Street</p> <p>7 Suite 2000</p> <p>8 Chicago, Illinois 60602</p> <p>9 (312) 346-2222</p> <p>10</p> <p>11 On behalf of Schering-Plough Corporation and</p> <p>12 Schering Corporation and Warrick</p> <p>13 Pharmaceuticals Corporation:</p> <p>14 JOHN P. McDONALD, ESQUIRE</p> <p>15 Locke Liddell & Sapp LLP</p> <p>16 220 Ross Avenue</p> <p>17 Suite 2200</p> <p>18 Dallas, Texas 75201-6776</p> <p>19 (214) 740-8758</p> <p>20</p> <p>21</p> <p>22</p>
<p style="text-align: right;">Page 7</p> <p>1 APPEARANCES (Cont'd.)</p> <p>2</p> <p>3 On behalf of Ven-a-Care of the</p> <p>4 Florida Keys, Inc.:</p> <p>5 JAMES JOSEPH BREEN, ESQUIRE</p> <p>6 The Breen Law Firm, P.A.</p> <p>7 5755 North Point Parkway</p> <p>8 Suite 39</p> <p>9 Alpharetta, Georgia 30022</p> <p>10 (770) 740-0008</p> <p>11</p> <p>12 On behalf of Abbott Laboratories:</p> <p>13 R. CHRISTOPHER COOK, ESQUIRE</p> <p>14 SEAN P. MALONE, ESQUIRE</p> <p>15 Jones Day</p> <p>16 51 Louisiana Avenue, N.W.</p> <p>17 Washington, D.C. 20001</p> <p>18 (202) 879-3939</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>	<p style="text-align: right;">Page 9</p> <p>1 APPEARANCES (Cont'd.)</p> <p>2</p> <p>3 On behalf of Sandoz, Inc.:</p> <p>4 PHILIP B. SINENENG, ESQUIRE</p> <p>5 White & Case LLP</p> <p>6 1155 Avenue of the Americas</p> <p>7 New York, New York 10036-2787</p> <p>8 (212) 819-8411</p> <p>9</p> <p>10 On behalf of Johnson & Johnson:</p> <p>11 ANDREW D. SCHAU, ESQUIRE</p> <p>12 Patterson Belknap Webb & Tyler LLP</p> <p>13 1133 Avenue of the Americas</p> <p>14 New York, New York 10036-6710</p> <p>15 (212) 336-2546</p> <p>16</p> <p>17 On behalf of Dey Companies and Mylan:</p> <p>18 SARAH L. REID, ESQUIRE</p> <p>19 Kelly Drye & Warren LLP</p> <p>20 101 Park Avenue</p> <p>21 New York, New York 10178</p> <p>22 (212) 808-7720</p>

DeParle, Nancy-Ann

May 18, 2007

Washington, DC

<p style="text-align: right;">Page 10</p> <p>1 APPEARANCES (Cont'd.)</p> <p>2</p> <p>3 On behalf of Roxane Laboratories and</p> <p>4 Boehringer-Ingelheim and affiliated entities:</p> <p>5 ERIC TOMAS GORTNER, ESQUIRE</p> <p>6 Kirkland & Ellis LLP</p> <p>7 200 East Randolph Drive</p> <p>8 Chicago, Illinois 60601</p> <p>9 (312) 861-2285</p> <p>10</p> <p>11</p> <p>12 THE FOLLOWING COUNSEL PRESENT VIA TELEPHONE</p> <p>13</p> <p>14 On behalf of the State of Wisconsin:</p> <p>15 CHARLES J. BARNHILL, JR., ESQUIRE</p> <p>16 Miner, Barnhill & Galland, PC</p> <p>17 44 East Mifflin</p> <p>18 Suite 803</p> <p>19 Madison, Wisconsin 53703</p> <p>20 (608) 255-5200</p> <p>21</p> <p>22</p>	<p style="text-align: right;">Page 12</p> <p>1 TELEPHONIC APPEARANCES (Cont'd.)</p> <p>2</p> <p>3 On behalf of the State of Alabama:</p> <p>4 TRACY R. DAVIS, ESQUIRE</p> <p>5 Hand Arendall LLC</p> <p>6 1200 Park Place Tower</p> <p>7 2001 Park Place North</p> <p>8 Birmingham, Alabama 35203</p> <p>9 (205) 502-0127</p> <p>10</p> <p>11 On behalf of AstraZeneca:</p> <p>12 CATHERYN O'ROURKE, ESQUIRE</p> <p>13 Davis Polk & Wardwell</p> <p>14 450 Lexington Avenue</p> <p>15 New York, New York 10017</p> <p>16 (212) 450-4017</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>
<p style="text-align: right;">Page 11</p> <p>1 TELEPHONIC APPEARANCES (Cont'd.)</p> <p>2</p> <p>3 On behalf of the State of Florida:</p> <p>4 JAIME LIANG, ESQUIRE</p> <p>5 Office of the Attorney General</p> <p>6 Medicaid Fraud Control Unit</p> <p>7 PL-10 The Capitol</p> <p>8 Tallahassee, Florida 32399</p> <p>9 (850) 414-3600</p> <p>10</p> <p>11 On behalf of Aventis:</p> <p>12 JOSEPH G. MATYE, ESQUIRE</p> <p>13 Shook Hardy & Bacon LLP</p> <p>14 2555 Grand Boulevard</p> <p>15 Kansas City, Missouri 64108</p> <p>16 (816) 559-2147</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>	<p style="text-align: right;">Page 13</p> <p>1 TELEPHONIC APPEARANCES (Cont'd.)</p> <p>2</p> <p>3 On behalf of Amgen:</p> <p>4 JOSEPH H. YOUNG, ESQUIRE</p> <p>5 STEVEN F. BARLEY, ESQUIRE</p> <p>6 Hogan & Hartson LLP</p> <p>7 111 South Calvert Street</p> <p>8 Baltimore, Maryland 21202</p> <p>9 (410) 659-2700</p> <p>10</p> <p>11 On behalf of Baxter Healthcare Corporation:</p> <p>12 J. ANDREW JACKSON, ESQUIRE</p> <p>13 Dickstein Shapiro LLP</p> <p>14 1825 Eye Street, N.W.</p> <p>15 Washington, D.C. 20006</p> <p>16 (202) 420-2268</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>

4 (Pages 10 to 13)

DeParle, Nancy-Ann

May 18, 2007

Washington, DC

Page 14

C O N T E N T S

THE WITNESS: NANCY-ANN DEPARLE

EXAMINATION PAGE

By Mr. Cook..... 020

E X H I B I T S

NUMBER DESCRIPTION PAGE

Exhibit Abbott 198 - DeParle Resume..... 016

Exhibit Abbott 199 - Complaint..... 076

Exhibit Abbott 200 - Report to Congress..... 083

Exhibit Abbott 201 - Excerpt from BBA 1997..... 100

Exhibit Abbott 202 - Program Memorandum..... 110

Exhibit Abbott 002A- Letter from June Gibbs

Brown..... 116

Exhibit Abbott 203 - Fax from Maureen Furletti. 145

Exhibit Abbott 204 - Excerpt from Hearing..... 171

Exhibit Abbott 205 - Letter to Senator Stark... 204

Exhibit Abbott 206 - Presentation dated 3-20-98 211

Exhibit Abbott 207 - Letter dated 2-13-98..... 237

Exhibit Abbott 208 - Letter dated 4-20-98..... 237

Page 15

E X H I B I T S (Cont'd.)

NUMBER DESCRIPTION PAGE

Exhibit Abbott 209 - Excerpt from Federal

Register..... 242

Exhibit Abbott 210 - Interim Final Rule..... 252

Exhibit Abbott 211 - Letter dated 3-25-99..... 254

Exhibit Abbott 212 - Letter dated 5-5-00..... 260

Exhibit Abbott 213 - Letter dated 5-31-00..... 261

Exhibit Abbott 214 - Hearing transcript -

June 13, 2000..... 287

Exhibit Abbott 215 - Letter dated 9-8-00..... 295

Exhibit Abbott 216 - Program Memorandum..... 295

Exhibit Abbott 217 - Letter dated 9-15-00..... 304

Exhibit Abbott 218 - Letter dated 9-25-00..... 307

Exhibit Abbott 219 - Letter dated 9-18-00..... 310

Exhibit Abbott 220 - Letter dated 7-28-00..... 313

Exhibit Abbott 221 - Program Memorandum..... 316

Page 16

Whereupon,

(Exhibit Abbott 198 was premarked for identification.)

VIDEOGRAPHER: Good morning. This is the videotape deposition of Nancy-Ann DeParle taken by the defendant party in the matter of In Re: Pharmaceutical Industry Average Wholesale Price Litigation, MDL Number 1456, Civil Action Number 01-CV-12257-PBS, before the United States District Court for the District of Massachusetts.

The date is May 18, 2007, and this deposition is being held at Jones Day, Reavis & Pogue, 51 Louisiana Avenue, Northwest, in Washington, D.C. The time on the monitor is 9:07 a.m.

My name is Michael Hunterton and I'm the certified videographer associated with the firm of Henderson Legal Services, located at 1015 15th Street, Northwest, in Washington, D.C. The court reporter is Bob Jakupciak, associated with the same firm.

Will counsel at the table please

Page 17

introduce themselves for the record.

MR. COOK: Christopher Cook and Sean Malone, from Jones Day, representing Abbott Laboratories, Inc.

MR. GORTNER: Eric Gortner, from Kirkland & Ellis, representing Roxane Laboratories, Inc. and Boehringer-Ingelheim Corporation, and all affiliated entities.

MS. REID: Sarah Reid, Kelley Drye & Warren, representing the Dey Companies in the DOJ action, and Dey Companies in the cross-notice depositions.

MR. SINENENG: Philip Sineneng, from White & Case, for Sandoz.

MR. McDONALD: John McDonald, from Locke Liddell, representing Warrick, Schering, Schering-Plough and B. Braun Medical.

MR. SCHAU: Andrew Schau, from Patterson Belknap Webb & Tyler, representing the Johnson & Johnson Companies.

MR. PAUL: Nicholas Paul, from the Department of Justice, for California in the

5 (Pages 14 to 17)

Washington, DC

Page 328

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MASSACHUSETTS

1
2
3 - - - - -
4 IN RE: PHARMACEUTICAL) MDL NO. 1456
5 INDUSTRY AVERAGE WHOLESALE) CIVIL ACTION
6 PRICE LITIGATION) 01-CV-12257-PBS
7 THIS DOCUMENT RELATES TO)
8 U.S. ex rel. Ven-a-Care of) Judge Patti B. Saris
9 the Florida Keys, Inc.)
10 v.) Chief Magistrate
11 Abbott Laboratories, Inc.,) Judge Marianne B.
12 No. 06-CV-11337-PBS) Bowler
13 - - - - -
14 (captions continue on following pages)
15
16
17 Videotaped deposition of NANCY-ANN MIN DEPARLE
18 Volume 2
19
20
21
22

Washington, DC

<p style="text-align: right;">Page 329</p> <p>1 IN THE COURT OF THE SECOND JUDICIAL CIRCUIT 2 IN AND FOR LEON COUNTY, FLORIDA 3 THE STATE OF FLORIDA 4 ex rel. 5 ----- 6 VEN-A-CARE OF THE FLORIDA KEYS,) 7 INC., a Florida Corporation, by and) 8 through its principal officers and) 9 directors, ZACHARY T. BENTLEY and) 10 T. MARK JONES,) 11 Plaintiffs,) Civil Action 12 vs.) No. 98-3032G 13 MYLAN LABORATORIES INC.; MYLAN) 14 PHARMACEUTICALS INC.; NOVOPHARM) Judge William 15 LTD., SCHEIN PHARMACEUTICAL, INC.;) L. Gary 16 TEVA PHARMACEUTICAL INDUSTRIES) 17 LTD.; TEVA PHARMACEUTICAL USA; and) 18 WATSON PHARMACEUTICALS, INC.,) 19 DEFENDANTS.) 20 ----- 21 22</p>	<p style="text-align: right;">Page 331</p> <p>1 IN THE CIRCUIT COURT OF THE FIRST CIRCUIT 2 STATE OF HAWAII 3 ----- 4 STATE OF HAWAII,) 5 Plaintiff,) Case No. 6 vs.) 06-1-0720-04 EEH 7 ABBOTT LABORATORIES, INC.,) 8 et al.,) JUDGE EDEN 9 Defendants.) ELIZABETH HIFO 10 ----- 11 12 IN THE FOURTH JUDICIAL DISTRICT OF THE STATE OF 13 IDAHO, IN AND FOR THE COUNTY OF ADA 14 ----- 15 STATE OF IDAHO,) 16 Plaintiff,) 17 vs.) Case No. CV OC 0701846 18 ABBOTT LABORATORIES,) 19 Defendant.) 20 ----- 21 22</p>
<p style="text-align: right;">Page 330</p> <p>1 IN THE CIRCUIT COURT OF 2 MONTGOMERY COUNTY, ALABAMA 3 ----- 4 STATE OF ALABAMA,) 5 Plaintiff,) 6 vs.) Case No. CV-2005-219 7 ABBOTT LABORATORIES, INC.,) Judge Charles Price 8 et al.,) 9 Defendants.) 10 ----- 11 12 STATE OF WISCONSIN CIRCUIT COURT 13 DANE COUNTY 14 ----- 15 STATE OF WISCONSIN,) 16 Plaintiff,) 17 vs.) Case No. 04-CV-1709 18 AMGEN INC., et al.,) 19 Defendants.) 20 ----- 21 22</p>	<p style="text-align: right;">Page 332</p> <p>1 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS 2 COUNTY DEPARTMENT, CHANCERY DIVISION 3 ----- 4 THE PEOPLE OF THE STATE OF) 5 ILLINOIS,) 6 Plaintiff,) Case No. 05 CH 02474 7 vs.) 8 ABBOTT LABORATORIES, et al.,) 9 Defendants.) 10 ----- 11 12 COMMONWEALTH OF KENTUCKY 13 FRANKLIN CIRCUIT COURT - DIV. II 14 ----- 15 COMMONWEALTH OF KENTUCKY,) 16 Plaintiff,) Civil Action 17 vs.) NO. 03-CI-1134 18 ABBOTT LABORATORIES, INC., et al.,) 19 Defendants.) 20 ----- 21 22</p>

2 (Pages 329 to 332)

Washington, DC

<p style="text-align: right;">Page 333</p> <p>1 IN THE COMMONWEALTH COURT OF PENNSYLVANIA</p> <p>2 -----</p> <p>3 COMMONWEALTH OF PENNSYLVANIA by)</p> <p>4 THOMAS W. CORBETT, JR., in his)</p> <p>5 capacity as Attorney General of the)</p> <p>6 Commonwealth of Pennsylvania,)</p> <p>7 Plaintiff,)</p> <p>8 vs.)</p> <p>9 TAP PHARMACEUTICAL PRODUCTS, INC.,)</p> <p>10 et al.,)</p> <p>11 Defendants.)</p> <p>12 -----</p> <p>13 Washington, D.C.</p> <p>14 Wednesday, December 5, 2007</p> <p>15 9:00 a.m.</p> <p>16 Videotaped deposition of NANCY-ANN MIN</p> <p>17 DEPARLE, held at the law offices of Jones Day, 51</p> <p>18 Louisiana Avenue, N.W., Washington, D.C.</p> <p>19 20001-2113,, the proceedings being recorded</p> <p>20 stenographically by Jonathan Wonnell, a Notary</p> <p>21 Public in and for the District of Columbia, and</p> <p>22 transcribed under his direction.</p>	<p style="text-align: right;">Page 335</p> <p>1 A P P E A R A N C E S (Cont'd)</p> <p>2</p> <p>3 On behalf of the U.S. Department of Health and</p> <p>4 Human Services:</p> <p>5 DEBORAH M. CHASAN-SLOAN, ESQ.</p> <p>6 U.S. Department of Health & Human</p> <p>7 Services</p> <p>8 Office of General Counsel, CMS Division</p> <p>9 330 Independence Avenue, S.W., Room 5345</p> <p>10 Washington, D.C. 20201</p> <p>11 (202) 619-2603</p> <p>12</p> <p>13 On behalf of the State of Alabama:</p> <p>14 H. CLAY BARNETT, III, ESQ. (via phone)</p> <p>15 Beasley, Allen, Crow, Methvin, Portis &</p> <p>16 Miles, P.C.</p> <p>17 218 Commerce Street</p> <p>18 Montgomery, Alabama 36104</p> <p>19 (800) 898-2034</p> <p>20 clay.barnett@beasleyallen.com</p> <p>21</p> <p>22</p>
<p style="text-align: right;">Page 334</p> <p>1 A P P E A R A N C E S O F C O U N S E L</p> <p>2</p> <p>3 On behalf of the United States of America:</p> <p>4 REBECCA A. FORD, ESQ.</p> <p>5 U.S. Department of Justice</p> <p>6 Civil Division, Commercial Litigation</p> <p>7 601 D Street, N.W., Room 9133</p> <p>8 Washington, D.C. 20044</p> <p>9 (202) 514-1511</p> <p>10 rebecca.ford@usdoj.gov</p> <p>11</p> <p>12 On behalf of the United States of America:</p> <p>13 JAMIE ANN YAVELBERG, ESQ.</p> <p>14 U.S. Department of Justice</p> <p>15 Civil Division</p> <p>16 P.O. Box 261, Ben Franklin Station</p> <p>17 Washington, D.C. 20044</p> <p>18 (202) 514-6514</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>	<p style="text-align: right;">Page 336</p> <p>1 A P P E A R A N C E S (Cont'd)</p> <p>2</p> <p>3 On behalf of the State of California:</p> <p>4 NICHOLAS N. PAUL, ESQ. (via phone)</p> <p>5 Supervising Deputy Attorney General</p> <p>6 Civil Prosecutions Unit</p> <p>7 P.O. Box 85266</p> <p>8 110 West A Street, #1100</p> <p>9 San Diego, California 82186</p> <p>10 (619)-688-6099</p> <p>11 nicholas.paul@doj.ca.gov</p> <p>12</p> <p>13 On behalf of the State of Florida:</p> <p>14 MARY S. MILLER, ESQ. (via phone)</p> <p>15 Office of the Attorney General of Florida</p> <p>16 PL-01, The Capitol</p> <p>17 Tallahassee, Florida 32399-1050</p> <p>18 (850) 414-3600</p> <p>19 mary_miller@oag.state.fl.us</p> <p>20</p> <p>21</p> <p>22</p>

3 (Pages 333 to 336)

Washington, DC

<p style="text-align: right;">Page 337</p> <p>1 A P P E A R A N C E S (Cont'd)</p> <p>2</p> <p>3 On behalf of the Commonwealth of Pennsylvania:</p> <p>4 DONALD E. HAVILAND, JR., ESQ. (via phone)</p> <p>5 The Haviland Law Firm, LLC</p> <p>6 740 South Third Street, Third Floor</p> <p>7 Philadelphia, Pennsylvania 19147</p> <p>8 (215) 609-4661</p> <p>9</p> <p>10 On behalf of the States Hawaii, Idaho,</p> <p>11 Illinois, Kentucky and Wisconsin:</p> <p>12 ROBERT S. LIBMAN, ESQ. (via phone)</p> <p>13 Miner, Barnhill & Galland</p> <p>14 14 West Erie Street</p> <p>15 Chicago, Illinois 60610</p> <p>16 (312) 751-1170</p> <p>17 rlibman@lawmbg.com</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>	<p style="text-align: right;">Page 339</p> <p>1 A P P E A R A N C E S (Cont'd)</p> <p>2</p> <p>3 On behalf of AstraZeneca Pharmaceuticals LP:</p> <p>4 JAMES J. DUFFY, ESQ. (via phone)</p> <p>5 Davis, Polk & Wardwell</p> <p>6 450 Lexington Avenue</p> <p>7 New York, New York 10017</p> <p>8 (212) 450-4803</p> <p>9 james.duffy@dpw.com</p> <p>10</p> <p>11 On behalf of Aventis Pharmaceuticals and</p> <p>12 Sanofi Synthelabo:</p> <p>13 DAVID T. FISCHER, ESQ.</p> <p>14 Shook, Hardy & Bacon, LLP</p> <p>15 600 Fourteenth Street, N.W.</p> <p>16 Suite 800</p> <p>17 Washington, D.C. 20005-2004</p> <p>18 (202) 662-4865</p> <p>19 dfischer@shb.com</p> <p>20</p> <p>21</p> <p>22</p>
<p style="text-align: right;">Page 338</p> <p>1 A P P E A R A N C E S (Cont'd)</p> <p>2</p> <p>3 On behalf of Ven-A-Care of the Florida Keys,</p> <p>4 Inc.:</p> <p>5 MARJORY P. ALBEE, ESQ.</p> <p>6 Mager & Goldstein LLP</p> <p>7 1818 Market Street, Suite 3710</p> <p>8 Philadelphia, Pennsylvania 19103</p> <p>9 (215) 640-3280</p> <p>10 malbee@magergoldstein.com</p> <p>11</p> <p>12 On behalf of Abbott Laboratories, Inc.:</p> <p>13 R. CHRISTOPHER COOK, ESQ.</p> <p>14 SEAN P. MALONE, ESQ.</p> <p>15 Jones Day</p> <p>16 51 Louisiana Avenue, N.W.</p> <p>17 Washington, D.C. 20001-2113</p> <p>18 (202) 879-3939</p> <p>19 christophercook@jonesday.com</p> <p>20 spmalone@jonesday.com</p> <p>21</p> <p>22</p>	<p style="text-align: right;">Page 340</p> <p>1 A P P E A R A N C E S (Cont'd)</p> <p>2</p> <p>3 On behalf of Baxter Health Care and Baxter</p> <p>4 International:</p> <p>5 JASON D. WALLACH, ESQ. (via phone)</p> <p>6 Dickstein Shapiro LLP</p> <p>7 1825 Eye Street, N.W.</p> <p>8 Washington, D.C. 20006</p> <p>9 (202) 420-2668</p> <p>10 wallachj@dicksteinshapiro.com</p> <p>11</p> <p>12 On behalf of Bristol-Myers Squibb:</p> <p>13 SANDHYA P. KAWATRA, ESQ. (via phone)</p> <p>14 Hogan & Hartson</p> <p>15 875 Third Avenue</p> <p>16 New York, New York 10022</p> <p>17 (212) 918-3000</p> <p>18 spkawatra@hhlaw.com</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>

4 (Pages 337 to 340)

<p style="text-align: right;">Page 341</p> <p>1 A P P E A R A N C E S (Cont'd)</p> <p>2</p> <p>3 On behalf of Dey, Inc., Dey, L.P. and Mylan:</p> <p>4 SARAH L. REID, ESQ.</p> <p>5 Kelley, Drye & Warren LLP</p> <p>6 101 Park Avenue</p> <p>7 New York, New York 10178</p> <p>8 (212) 808-7720</p> <p>9 sreid@kelleydrye.com</p> <p>10</p> <p>11 On behalf of Roxane Laboratories and</p> <p>12 Boehringer Ingelheim:</p> <p>13 ERIC GORTNER, ESQ.</p> <p>14 Kirkland & Ellis</p> <p>15 200 East Randolph Drive</p> <p>16 Chicago, Illinois 60601</p> <p>17 (312) 861-2285</p> <p>18 egortner@kirkland.com</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>	<p style="text-align: right;">Page 343</p> <p>1 A P P E A R A N C E S (Cont'd)</p> <p>2</p> <p>3 ALSO PRESENT:</p> <p>4</p> <p>5 EMILY WATSON, legal assistant</p> <p>6 CONWAY BARKER, videographer</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>
<p style="text-align: right;">Page 342</p> <p>1 A P P E A R A N C E S (Cont'd)</p> <p>2</p> <p>3 On behalf of Schering-Plough Corporation,</p> <p>4 Schering Corporation and Warrick</p> <p>5 Pharmaceuticals Corporation:</p> <p>6 KARIN B. TORGERSON, ESQ.</p> <p>7 Locke, Lord, Bissell & Liddell LLP</p> <p>8 2200 Ross Avenue, Suite 2200</p> <p>9 Dallas, Texas 75201</p> <p>10 (214) 740-8000</p> <p>11 ktorgerson@lockelord.com</p> <p>12</p> <p>13 On behalf of SmithKline Beecham Corporation</p> <p>14 d/b/a GlaxoSmithKline:</p> <p>15 MICHAEL J. NEWMAN, ESQ. (via phone)</p> <p>16 Dechert LLP</p> <p>17 2929 Arch Street</p> <p>18 Philadelphia, Pennsylvania 19104-2808</p> <p>19 (215) 994-4000</p> <p>20 michael.newman@dechert.com</p> <p>21</p> <p>22</p>	<p style="text-align: right;">Page 344</p> <p>1 I N D E X O F E X A M I N A T I O N S</p> <p>2</p> <p>3 WITNESS NAME: NANCY-ANN MIN DEPARLE PAGE</p> <p>4 Examination By Mr. Cook..... 349</p> <p>5 Examination By Ms. Reid..... 414</p> <p>6 Examination By Mr. Gortner..... 472</p> <p>7 Examination By Mr. Wallach..... 619</p> <p>8 Examination By Mr. Haviland..... 623</p> <p>9 Examination By Mr. Libman..... 657</p> <p>10 Examination By Mr. Cook..... 666</p> <p>11 Examination By Ms. Reid..... 684</p> <p>12 Examination By Mr. Gortner..... 692</p> <p>13 Examination By Mr. Wallach..... 706</p> <p>14 Examination By Mr. Haviland..... 711</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>

EXHIBIT H-3

1 UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF MASSACHUSETTS

3 -----X MDL NO. 1456

4 IN RE: PHARMACEUTICAL INDUSTRY : CIVIL ACTION:

5 AVERAGE WHOLESALE PRICE LITIGATION : 01-CV-12257-PBS

6 -----X

7 THIS DOCUMENT RELATES TO: :

8 U.S. ex rel. Ven-A-Care of the : CIVIL ACTION:

9 Florida Keys, Inc. v. Abbott : 06-CV-11337-PBS

10 Laboratories, Inc. :

11 -----X

13 IN THE CIRCUIT COURT OF

14 MONTGOMERY COUNTY, ALABAMA

15 -----X

16 STATE OF ALABAMA, : CASE NO.

17 Plaintiff, : CV-05-219

18 v. :

19 ABBOTT LABORATORIES, INC., : JUDGE

20 et al., : CHARLES PRICE

21 Defendants. :

22 -----X

<p style="text-align: right;">Page 2</p> <p>1 UNITED STATES DISTRICT COURT</p> <p>2 DISTRICT OF MASSACHUSETTS</p> <p>3 -----X</p> <p>4 THE COMMONWEALTH OF MASSACHUSETTS : CIVIL ACTION NO.</p> <p>5 Plaintiff, : 03-CV-11865-PBS</p> <p>6 v. :</p> <p>7 MYLAN LABORATORIES, INC., et al. :</p> <p>8 Defendants. :</p> <p>9 -----X</p> <p>10</p> <p>11 IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS</p> <p>12 STATE OF MISSOURI</p> <p>13 -----X</p> <p>14 STATE OF MISSOURI, ex rel. : CASE NO.</p> <p>15 JEREMIAH W. (JAY) NIXON, Attorney : 054-1216</p> <p>16 General, and MISSOURI DEPT. OF : DIVISION</p> <p>17 SOCIAL SVCS, DIV. OF MEDICAL SVCS., : NO. 31</p> <p>18 Plaintiffs, :</p> <p>19 v. :</p> <p>20 DEY INC., et al. :</p> <p>21 Defendants. :</p> <p>22 -----X</p>	<p style="text-align: right;">Page 4</p> <p>1 IN THE COURT OF COMMON PLEAS</p> <p>2 FIFTH JUDICIAL CIRCUIT</p> <p>3 -----X</p> <p>4 STATE OF SOUTH CAROLINA, and : STATE OF</p> <p>5 HENRY D. McMASTER, in his official : SOUTH CAROLINA</p> <p>6 capacity as Attorney General for : COUNTY OF</p> <p>7 the State of South Carolina, : RICHLAND</p> <p>8 Plaintiff, :</p> <p>9 v. : CIVIL ACTION NO.</p> <p>10 WARRICK PHARMACEUTICALS : 2006-CP-40-4390</p> <p>11 CORPORATION, et al. : 2006-CP-40-4399</p> <p>12 Defendants. :</p> <p>13 -----X</p> <p>14 STATE OF SOUTH CAROLINA, and : STATE OF</p> <p>15 HENRY D. McMASTER, in his official : SOUTH CAROLINA</p> <p>16 capacity as Attorney General for : COUNTY OF</p> <p>17 the State of South Carolina, : RICHLAND</p> <p>18 Plaintiff, :</p> <p>19 v. : CASE NO.</p> <p>20 ABBOTT LABORATORIES, INC. : 2006-CP-40-4394</p> <p>21 Defendant. :</p> <p>22 -----X</p>
<p style="text-align: right;">Page 3</p> <p>1 SUPERIOR COURT OF NEW JERSEY</p> <p>2 UNION COUNTY</p> <p>3 -----X</p> <p>4 CLIFFSIDE NURSING HOME, INC., on : LAW DIVISION</p> <p>5 behalf of itself and all others : DOCKET NO.</p> <p>6 similarly situated, as defined : UNN-L-2329-04</p> <p>7 herein, :</p> <p>8 Plaintiffs, :</p> <p>9 v. :</p> <p>10 DEY, INC., et al. :</p> <p>11 Defendants. :</p> <p>12 -----X</p> <p>13</p> <p>14 STATE OF WISCONSIN CIRCUIT COURT DANE COUNTY</p> <p>15 -----X</p> <p>16 STATE OF WISCONSIN, : CASE NO.</p> <p>17 Plaintiff, : 04-CV-1709</p> <p>18 v. :</p> <p>19 AMGEN INC., et al., :</p> <p>20 Defendants. :</p> <p>21 -----X</p> <p>22</p>	<p style="text-align: right;">Page 5</p> <p>1 IN THE CIRCUIT COURT OF THE FIRST CIRCUIT</p> <p>2 STATE OF HAWAII</p> <p>3 -----X</p> <p>4 STATE OF HAWAII, : CASE NO.</p> <p>5 Plaintiff, : 06-1-0720-04 EEH</p> <p>6 v. :</p> <p>7 ABBOTT LABORATORIES, INC., et al. : JUDGE EDEN</p> <p>8 Defendants. : ELIZABETH HIFO</p> <p>9 -----X</p> <p>10</p> <p>11 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA</p> <p>12 IN AND FOR THE COUNTY OF MARICOPA</p> <p>13 -----X</p> <p>14 ROBERT J. SWANSTON, individually : CIVIL ACTION NO.</p> <p>15 and on behalf of himself and all : CV 2002-004988</p> <p>16 others similarly situated, :</p> <p>17 Plaintiff, :</p> <p>18 v. :</p> <p>19 TAP PHARMACEUTICAL PRODUCTS, INC., :</p> <p>20 et al., :</p> <p>21 Defendants. :</p> <p>22 -----X</p>

<p style="text-align: right;">Page 6</p> <p>1 COMMONWEALTH OF KENTUCKY</p> <p>2 FRANKLIN CIRCUIT COURT - DIV. II</p> <p>3 -----X</p> <p>4 COMMONWEALTH OF KENTUCKY, : CIVIL ACTION NO.</p> <p>5 Plaintiff, : 03-CI-1134</p> <p>6 v. :</p> <p>7 ABBOTT LABORATORIES, INC., et al. :</p> <p>8 Defendants. :</p> <p>9 -----X</p> <p>10</p> <p>11 COMMONWEALTH OF KENTUCKY</p> <p>12 FRANKLIN CIRCUIT COURT - DIV. I</p> <p>13 -----X</p> <p>14 COMMONWEALTH OF KENTUCKY, ex rel. : CIVIL ACTION NO.</p> <p>15 GREGORY D. STUMBO, Attorney General: 03-CI-1487</p> <p>16 Plaintiff, :</p> <p>17 v. :</p> <p>18 ALPHAPHARMA, INC., et al. :</p> <p>19 Defendants. :</p> <p>20 -----X</p> <p>21</p> <p>22</p>	<p style="text-align: right;">Page 8</p> <p>1 APPEARANCES: (CONTINUED)</p> <p>2</p> <p>3 U.S. DEPARTMENT OF JUSTICE</p> <p>4 CIVIL DIVISION</p> <p>5 BY: JUSTIN DRAYCOTT, ESQUIRE</p> <p>6 P.O. Box 261</p> <p>7 Ben Franklin Station</p> <p>8 Washington, D.C. 20044</p> <p>9 Phone: (202) 305-9300</p> <p>10 justin.draycott@usdoj.gov</p> <p>11 Representing the United States</p> <p>12</p> <p>13 U.S. DEPARTMENT OF HEALTH & HUMAN SERVICES</p> <p>14 Office of Counsel to the Inspector General</p> <p>15 Administrative and Civil Remedies Branch</p> <p>16 BY: NANCY W. BROWN, ESQUIRE</p> <p>17 Room 5527, Cohen Building</p> <p>18 330 Independence Avenue, S.W.</p> <p>19 Washington, D.C. 20201</p> <p>20 Phone: (202) 205-9430</p> <p>21 Nancy.Brown@oig.hhs.gov</p> <p>22 Representing the United States</p>
<p style="text-align: right;">Page 7</p> <p>1</p> <p>2 VIDEOTAPED DEPOSITION OF LINDA RAGONE</p> <p>3 APRIL 17, 2007</p> <p>4</p> <p>5 Videotaped deposition of LINDA RAGONE</p> <p>6 was taken, pursuant to notice, at MORGAN LEWIS &</p> <p>7 BOCKIUS, LLP, 1701 Market Street, Philadelphia,</p> <p>8 Pennsylvania, on Tuesday, April 17, 2007, beginning</p> <p>9 at 9:16 a.m., before M. Kathleen Muino, Professional</p> <p>10 Shorthand Reporter, Notary Public; Richard</p> <p>11 Kanzinger, Jr., Videographer, there being present:</p> <p>12</p> <p>13 APPEARANCES:</p> <p>14</p> <p>15 UNITED STATES DEPARTMENT OF JUSTICE</p> <p>16 CIVIL DIVISION</p> <p>17 BY: JOHN K. NEAL, ESQUIRE</p> <p>18 601 D Street, N.W.</p> <p>19 Washington, D.C. 20004</p> <p>20 Phone: (202) 307-0405</p> <p>21 John.Neal2@usdoj.gov</p> <p>22 Representing the United States</p>	<p style="text-align: right;">Page 9</p> <p>1 APPEARANCES (Continued):</p> <p>2</p> <p>3 BERGER & MONTAGUE, P.C.</p> <p>4 BY: ROSLYN G. POLLACK, ESQUIRE</p> <p>5 1622 Locust Street</p> <p>6 Philadelphia, Pennsylvania 19103-6305</p> <p>7 Phone: (215) 875-3000</p> <p>8 rpollack@bm.net</p> <p>9 Representing Ven-A-Care</p> <p>10</p> <p>11 WEXLER, TORISEVA & WALLACE, LLP</p> <p>12 BY: AMBER M. NESBITT, ESQUIRE</p> <p>13 One North LaSalle Street</p> <p>14 Suite 2000</p> <p>15 Chicago, Illinois 60602</p> <p>16 Phone: (312) 346-2222</p> <p>17 amn@wtwlaw.us</p> <p>18 Representing the MDL Plaintiffs</p> <p>19</p> <p>20</p> <p>21</p> <p>22 (Continued)</p>

<p style="text-align: right;">Page 10</p> <p>1 APPEARANCES (Continued):</p> <p>2</p> <p>3 STATE OF CALIFORNIA DEPARTMENT OF JUSTICE</p> <p>4 BUREAU OF MEDI-CAL FRAUD & ELDER ABUSE</p> <p>5 BY: NICHOLAS N. PAUL, DEPUTY ATTORNEY GENERAL</p> <p>6 CIVIL PROSECUTIONS UNIT</p> <p>7 P.O. Box 85266</p> <p>8 110 West A Street, #1100</p> <p>9 San Diego, California 92186</p> <p>10 nicholas.paul@doj.ca.gov</p> <p>11 Representing The State of California</p> <p>12</p> <p>13 THE HAVILAND LAW FIRM, LLC</p> <p>14 BY: DONALD E. HAVILAND, JR., ESQUIRE</p> <p>15 740 South Third Street</p> <p>16 Third Floor</p> <p>17 Philadelphia, Pennsylvania 19147</p> <p>18 Phone: (215) 609-4661</p> <p>19 haviland@havilandlaw.com</p> <p>20 Representing the Commonwealth of</p> <p>21 Pennsylvania</p> <p>22 (Continued)</p>	<p style="text-align: right;">Page 12</p> <p>1 APPEARANCES (Continued):</p> <p>2</p> <p>3 KELLEY, DRYE & WARREN, LLP</p> <p>4 BY: NEIL MERKL, ESQUIRE</p> <p>5 101 Park Avenue</p> <p>6 New York, New York 10178</p> <p>7 Phone: (212) 808-7811</p> <p>8 nmerkl@kelleydrye.com</p> <p>9 Representing Dey Company</p> <p>10</p> <p>11 WHITE & CASE, LLP</p> <p>12 BY: PHILIP B. SINENENG, ESQUIRE</p> <p>13 1155 Avenue of the Americas</p> <p>14 New York, New York 10036-2787</p> <p>15 Phone: (212) 819-8411</p> <p>16 psineneng@whitecase.com</p> <p>17 Representing Sandoz</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22 (Continued)</p>
<p style="text-align: right;">Page 11</p> <p>1 APPEARANCES (Continued):</p> <p>2</p> <p>3 WINGET-HERNANDEZ, LLC</p> <p>4 BY: MICHAEL WINGET-HERNANDEZ, ESQUIRE</p> <p>5 3112 Windsor Road, No. 228</p> <p>6 Austin, Texas 78703</p> <p>7 Phone: (512) 474-4095</p> <p>8 michael@winget-hernandez.com</p> <p>9 Representing New York Counties, The State of</p> <p>10 Wisconsin, The State of Kentucky, The State</p> <p>11 of Hawaii</p> <p>12</p> <p>13 JONES DAY</p> <p>14 BY: R. CHRISTOPHER COOK, ESQUIRE</p> <p>15 BY: DAVID S. TORBORG, ESQUIRE</p> <p>16 51 Louisiana Avenue, N.W.</p> <p>17 Washington, D.C. 20001-2113</p> <p>18 Phone: (202) 879-3939/5562</p> <p>19 christophercook@jonesday.com</p> <p>20 dstorborg@jonesday.com</p> <p>21 Representing Abbott Laboratories, Inc.</p> <p>22 (Continued)</p>	<p style="text-align: right;">Page 13</p> <p>1 APPEARANCES (Continued):</p> <p>2</p> <p>3 KIRKLAND & ELLIS, LLP</p> <p>4 BY: ERIC GORTNER, ESQUIRE</p> <p>5 200 East Randolph Drive</p> <p>6 Chicago, Illinois 60601</p> <p>7 Phone: (312) 861-2285</p> <p>8 egortner@kirkland.com</p> <p>9 Representing Roxane Laboratories and</p> <p>10 Boehringer Ingelheim</p> <p>11</p> <p>12</p> <p>13 LOCKE, LIDDELL & SAPP, LLP</p> <p>14 BY: JOHN P. McDONALD, ESQUIRE</p> <p>15 Suite 2200</p> <p>16 2200 Ross Avenue</p> <p>17 Dallas, Texas 75201-6776</p> <p>18 jpmcdonald@lockeliddell.com</p> <p>19 Representing, Schering-Plough, Schering,</p> <p>20 and Warrick</p> <p>21</p> <p>22 (Continued)</p>

<p style="text-align: right;">Page 14</p> <p>1 TELEPHONIC APPEARANCES:</p> <p>2</p> <p>3 BEASLEY, ALLEN, CROW, METHVIN,</p> <p>4 PORTIS & MILES, P.C.</p> <p>5 BY: JOHN TOMLINSON, ESQUIRE</p> <p>6 218 Commerce Street</p> <p>7 Montgomery, Alabama 36104</p> <p>8 Phone: (334) 269-2343</p> <p>9 john.tomlinson@beasleyallen.com</p> <p>10 Representing The State of Alabama</p> <p>11</p> <p>12</p> <p>13 HAYNSWORTH, SINKLER, BOYD, P.A.</p> <p>14 BY: SARAH P. SPRUILL, ESQUIRE</p> <p>15 1201 Main Street, 22nd Floor</p> <p>16 Columbia, South Carolina 29201</p> <p>17 Phone: (803) 540-7854</p> <p>18 sspruill@hsblawfirm.com</p> <p>19 Representing Abbott Labs.</p> <p>20</p> <p>21</p> <p>22 (Continued)</p>	<p style="text-align: right;">Page 16</p> <p>1 TELEPHONIC APPEARANCES (Continued):</p> <p>2</p> <p>3 DICKSTEIN SHAPIRO, LLP</p> <p>4 BY: TINA REYNOLDS, ESQUIRE</p> <p>5 1825 Eye Street, N.W.</p> <p>6 Washington, D.C. 20006</p> <p>7 Phone: (202) 420-4114</p> <p>8 ReynoldsT@dicksteinshapiro.com</p> <p>9 Representing Baxter Healthcare Corporation</p> <p>10</p> <p>11 DAVIS, POLK & WARDELL</p> <p>12 BY: CATHERINE LIFESO, ESQUIRE</p> <p>13 450 Lexington Avenue</p> <p>14 New York, New York 10017</p> <p>15 Phone: (212) 450-4452</p> <p>16 catherine.lifeso@dpw.com</p> <p>17 Representing AstraZeneca</p> <p>18 Pharmaceuticals, LP</p> <p>19</p> <p>20</p> <p>21</p> <p>22 (Continued)</p>
<p style="text-align: right;">Page 15</p> <p>1 TELEPHONIC APPEARANCES (Continued):</p> <p>2</p> <p>3 KEMPPPEL, HUFFMAN & ELLIS, P.C.</p> <p>4 BY: JASON GIST, ESQUIRE</p> <p>5 255 E. Fireweed Lane, Suite 200</p> <p>6 Anchorage, Alaska 99503</p> <p>7 Phone: 277-1604</p> <p>8 jmg@khe.com</p> <p>9 Representing Schering and Warrick in</p> <p>10 the Alaska AWP Litigation</p> <p>11</p> <p>12 KIRKLAND & ELLIS, LLP</p> <p>13 BY: JUDSON D. BROWN, ESQUIRE</p> <p>14 655 Fifteenth Street, N.W.</p> <p>15 Washington, D.C. 20005</p> <p>16 Phone: (202) 879-5082</p> <p>17 jdbrown@kirkland.com</p> <p>18 Representing Barr Laboratories, Inc.</p> <p>19</p> <p>20</p> <p>21</p> <p>22 (Continued)</p>	<p style="text-align: right;">Page 17</p> <p>1 TELEPHONIC APPEARANCES (Continued):</p> <p>2</p> <p>3 HOGAN & HARTSON, LLP</p> <p>4 BY: JESSICA P. FEINGOLD, ESQUIRE</p> <p>5 875 Third Avenue</p> <p>6 New York, New York 10022</p> <p>7 Phone: (212) 918-3636</p> <p>8 jpfeingold@hhlaw.com</p> <p>9 Representing Bristol-Myers Squibb Company</p> <p>10</p> <p>11 STATE OF FLORIDA</p> <p>12 OFFICE OF THE ATTORNEY GENERAL</p> <p>13 MEDICAID FRAUD CONTROL UNIT</p> <p>14 BY: JAIME LIANG, AAG</p> <p>15 PL-01 The Capitol</p> <p>16 Tallahassee, Florida 32399-1050</p> <p>17 Phone: (850) 414-3600</p> <p>18 jaime_liang@myfloridalegal.com</p> <p>19 Representing The State of Florida</p> <p>20</p> <p>21</p> <p>22</p>

<p style="text-align: right;">Page 18</p> <p style="text-align: center;">I N D E X</p> <p>1</p> <p>2</p> <p>3 WITNESS: LINDA RAGONE PAGE</p> <p>4 EXAMINATION BY MR. COOK..... 025</p> <p>5</p> <p>6</p> <p>7 E X H I B I T S</p> <p>8 NUMBER DESCRIPTION PAGE</p> <p>9 Exhibit Abbott 080-Compilation of</p> <p>10 Cross-Notices..... 026</p> <p>11 Exhibit Abbott 081-"Prescription Drug Prices:</p> <p>12 Are We Getting Our Money's</p> <p>13 Worth"..... 182</p> <p>14 Exhibit Abbott 082-Memo with Attachment from</p> <p>15 B. Mitchell to W. Toby, Jr.</p> <p>16 dated 10/20/92..... 207</p> <p>17 Exhibit Abbott 083-20th Anniversary OIG</p> <p>18 Semiannual Report..... 218</p> <p>19 Exhibit Abbott 084-Memo with Attachment from</p> <p>20 JG Brown to BC Vladeck</p> <p>21 dated 8/13/96..... 218</p> <p>22 (Continued)</p>	<p style="text-align: right;">Page 20</p> <p style="text-align: center;">P R O C E E D I N G S</p> <p>1</p> <p>2</p> <p>3 THE VIDEOGRAPHER: We're on the record.</p> <p>4 This is a videotaped deposition for the United</p> <p>5 States District Court for the District of</p> <p>6 Massachusetts.</p> <p>7 My name is Richard Kanzinger, Jr., and</p> <p>8 I'm employed by Henderson Legal Services, in</p> <p>9 Philadelphia, Pennsylvania. The court reporter</p> <p>10 today is Kathleen Muino.</p> <p>11 The caption for today is: In Reference</p> <p>12 to the Pharmaceutical Industry Average Wholesale</p> <p>13 Price Litigation; this relates to U.S. ex rel</p> <p>14 Ven-A-Care of the Florida Keys, Inc. versus Abbott</p> <p>15 Laboratories, Inc., Case No. 06-CV-11337-PBS.</p> <p>16 This deposition is being taken at 1701</p> <p>17 Market Street, Ninth floor, in Philadelphia,</p> <p>18 Pennsylvania.</p> <p>19 At this time, all counsel will be noted</p> <p>20 on the stenographic record. And the deponent for</p> <p>21 today is Linda Ragone. Today's date is Tuesday,</p> <p>22 April 17th, 2007. The time is 9:17.</p>
<p style="text-align: right;">Page 19</p> <p style="text-align: center;">E X H I B I T S (Continued)</p> <p>1</p> <p>2 NUMBER DESCRIPTION PAGE</p> <p>3 Exhibit Abbott 085-"Medicare Reimbursement</p> <p>4 Of Albuterol" June 2000.... 246</p> <p>5 Exhibit Abbott 086-"Excessive Medicare</p> <p>6 Reimbursement for</p> <p>7 Albuterol" March 2002..... 246</p> <p>8 Exhibit Abbott 087-"Update: Excessive</p> <p>9 Medicare Reimbursement</p> <p>10 for Albuterol"</p> <p>11 January 2004..... 246</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>	<p style="text-align: right;">Page 21</p> <p>1 Would the court reporter, please, swear</p> <p>2 in the witness.</p> <p>3 - - -</p> <p>4 LINDA RAGONE, having been first duly</p> <p>5 sworn, was examined and testified as follows:</p> <p>6 - - -</p> <p>7 THE VIDEOGRAPHER: You may now begin.</p> <p>8 MS LIANG: Excuse me. This is the State</p> <p>9 of Florida. I'd like to put an objection on the</p> <p>10 record before we start.</p> <p>11 MR. COOK: Okay. I think we're going to</p> <p>12 identify everybody on the record first.</p> <p>13 MS. LIANG: Okay. All right.</p> <p>14 MR. COOK: I'm Christopher Cook, I'm with</p> <p>15 Jones Day; Dave Torborg, also from Jones Day. We</p> <p>16 are here representing Abbott Laboratories, Inc.</p> <p>17 MR. MERKL: Neil Merkl, from Kelley Drye,</p> <p>18 Representing Dey, Dey Company.</p> <p>19 MR. SINENENG: Philip Sineneng, from</p> <p>20 White and Case, representing Sandoz.</p> <p>21 MR. GORTNER: Eric Gortner, I'm from</p> <p>22 Kirkland & Ellis, representing Roxane Laboratories</p>

Washington, DC

Page 412

1 UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF MASSACHUSETTS

3 VOLUME II

4 -----X MDL NO. 1456

5 IN RE: PHARMACEUTICAL INDUSTRY : CIVIL ACTION:

6 AVERAGE WHOLESALE PRICE LITIGATION : 01-CV-12257-PBS

7 -----X

8 THIS DOCUMENT RELATES TO: :

9 U.S. ex rel. Ven-A-Care of the : CIVIL ACTION:

10 Florida Keys, Inc. v. Abbott : 06-CV-11337-PBS

11 Laboratories, Inc. :

12 -----X

13 IN THE CIRCUIT COURT OF

14 MONTGOMERY COUNTY, ALABAMA

15 -----X

16 STATE OF ALABAMA, : CASE NO.

17 Plaintiff, : CV-05-219

18 v. :

19 ABBOTT LABORATORIES, INC., : JUDGE

20 et al., : CHARLES PRICE

21 Defendants. :

22 -----X

<p style="text-align: right;">Page 413</p> <p>1 UNITED STATES DISTRICT COURT</p> <p>2 DISTRICT OF MASSACHUSETTS</p> <p>3 -----X</p> <p>4 THE COMMONWEALTH OF MASSACHUSETTS : CIVIL ACTION NO.</p> <p>5 Plaintiff, : 03-CV-11865-PBS</p> <p>6 v. :</p> <p>7 MYLAN LABORATORIES, INC., et al. :</p> <p>8 Defendants. :</p> <p>9 -----X</p> <p>10 IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS</p> <p>11 STATE OF MISSOURI</p> <p>12 -----X</p> <p>13 STATE OF MISSOURI, ex rel. : CASE NO.</p> <p>14 JEREMIAH W. (JAY) NIXON, Attorney : 054-1216</p> <p>15 General, and MISSOURI DEPT. OF : DIVISION</p> <p>16 SOCIAL SVCS, DIV. OF MEDICAL SVCS., NO. 31</p> <p>17 Plaintiffs, :</p> <p>18 v. :</p> <p>19 DEY INC., et al. :</p> <p>20 Defendants. :</p> <p>21 -----X.</p> <p>22</p>	<p style="text-align: right;">Page 415</p> <p>1 IN THE COURT OF COMMON PLEAS</p> <p>2 FIFTH JUDICIAL CIRCUIT</p> <p>3 -----X</p> <p>4 STATE OF SOUTH CAROLINA, and : STATE OF</p> <p>5 HENRY D. McMASTER, in his official : SOUTH CAROLINA</p> <p>6 capacity as Attorney General for : COUNTY OF</p> <p>7 the State of South Carolina, : RICHLAND</p> <p>8 Plaintiff, :</p> <p>9 v. : CIVIL ACTION NO.</p> <p>10 WARRICK PHARMACEUTICALS : 2006-CP-40-4390</p> <p>11 CORPORATION, et al. : 2006-CP-40-4399</p> <p>12 Defendants. :</p> <p>13 -----X</p> <p>14 STATE OF SOUTH CAROLINA, and : STATE OF</p> <p>15 HENRY D. McMASTER, in his official : SOUTH CAROLINA</p> <p>16 capacity as Attorney General for : COUNTY OF</p> <p>17 the State of South Carolina, : RICHLAND</p> <p>18 Plaintiff, :</p> <p>19 v. : CASE NO.</p> <p>20 ABBOTT LABORATORIES, INC. : 2006-CP-40-4394</p> <p>21 Defendant. :</p> <p>22 -----X</p>
<p style="text-align: right;">Page 414</p> <p>1 SUPERIOR COURT OF NEW JERSEY</p> <p>2 UNION COUNTY</p> <p>3 -----X</p> <p>4 CLIFFSIDE NURSING HOME, INC., on : LAW DIVISION</p> <p>5 behalf of itself and all others : DOCKET NO.</p> <p>6 similarly situated, as defined : UNN-L-2329-04</p> <p>7 herein, :</p> <p>8 Plaintiffs, :</p> <p>9 v. :</p> <p>10 DEY, INC., et al. :</p> <p>11 Defendants. :</p> <p>12 -----X</p> <p>13</p> <p>14 STATE OF WISCONSIN CIRCUIT COURT DANE COUNTY</p> <p>15 -----X</p> <p>16 STATE OF WISCONSIN, : CASE NO.</p> <p>17 Plaintiff, : 04-CV-1709</p> <p>18 v. :</p> <p>19 AMGEN INC., et al., :</p> <p>20 Defendants. :</p> <p>21 -----X</p> <p>22</p>	<p style="text-align: right;">Page 416</p> <p>1 IN THE CIRCUIT COURT OF THE FIRST CIRCUIT</p> <p>2 STATE OF HAWAII</p> <p>3 -----X</p> <p>4 STATE OF HAWAII, : CASE NO.</p> <p>5 Plaintiff, : 06-1-0720-04 EEH</p> <p>6 v. :</p> <p>7 ABBOTT LABORATORIES, INC., et al. : JUDGE EDEN</p> <p>8 Defendants. : ELIZABETH HIFO</p> <p>9 -----X</p> <p>10</p> <p>11 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA</p> <p>12 IN AND FOR THE COUNTY OF MARICOPA</p> <p>13 -----X</p> <p>14 ROBERT J. SWANSTON, individually : CIVIL ACTION NO.</p> <p>15 and on behalf of himself and all : CV 2002-004988</p> <p>16 others similarly situated, :</p> <p>17 Plaintiff, :</p> <p>18 v. :</p> <p>19 TAP PHARMACEUTICAL PRODUCTS, INC., :</p> <p>20 et al., :</p> <p>21 Defendants. :</p> <p>22 -----X</p>

<p style="text-align: right;">Page 417</p> <p>1 COMMONWEALTH OF KENTUCKY</p> <p>2 FRANKLIN CIRCUIT COURT - DIV. II</p> <p>3 -----X</p> <p>4 COMMONWEALTH OF KENTUCKY, : CIVIL ACTION NO.</p> <p>5 Plaintiff, : 03-CI-1134</p> <p>6 v. :</p> <p>7 ABBOTT LABORATORIES, INC., et al. :</p> <p>8 Defendants. :</p> <p>9 -----X</p> <p>10</p> <p>11 COMMONWEALTH OF KENTUCKY</p> <p>12 FRANKLIN CIRCUIT COURT - DIV. I</p> <p>13 -----X</p> <p>14 COMMONWEALTH OF KENTUCKY, ex rel. : CIVIL ACTION NO.</p> <p>15 GREGORY D. STUMBO, Attorney General: 03-CI-1487</p> <p>16 Plaintiff, :</p> <p>17 v. :</p> <p>18 ALPHAPHARMA, INC., et al. :</p> <p>19 Defendants. :</p> <p>20 - - -</p> <p>21 Continuation of the videotaped</p> <p>22 deposition of LINDA RAGONE was taken, pursuant</p>	<p style="text-align: right;">Page 419</p> <p>1 APPEARANCES:</p> <p>2</p> <p>3 UNITED STATES DEPARTMENT OF JUSTICE</p> <p>4 CIVIL DIVISION</p> <p>5 BY: JOHN K. NEAL, ESQUIRE</p> <p>6 601 D Street, N.W.</p> <p>7 Washington, D.C. 20004</p> <p>8 Phone: (202) 307-0405</p> <p>9 John.Neal2@usdoj.gov</p> <p>10 Representing the United States</p> <p>11</p> <p>12 U.S. DEPARTMENT OF JUSTICE</p> <p>13 CIVIL DIVISION</p> <p>14 BY: JUSTIN DRAYCOTT, ESQUIRE</p> <p>15 P.O. Box 261</p> <p>16 Ben Franklin Station</p> <p>17 Washington, D.C. 20044</p> <p>18 Phone: (202) 305-9300</p> <p>19 justin.draycott@usdoj.gov</p> <p>20 Representing the United States</p> <p>21</p> <p>22 APPEARANCES: (CONTINUED)</p>
<p style="text-align: right;">Page 418</p> <p>1 to notice, at MORGAN LEWIS & BOCKIUS, LLP,</p> <p>2 1701 Market Street, Philadelphia,</p> <p>3 Pennsylvania, on Wednesday, April 18, 2007,</p> <p>4 beginning at 9:04 a.m., before M. Kathleen</p> <p>5 Muino, Professional Shorthand Reporter, Notary</p> <p>6 Public; Richard Kanzinger, Jr., Videographer,</p> <p>7 there being present:</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>	<p style="text-align: right;">Page 420</p> <p>1 APPEARANCES: (CONTINUED)</p> <p>2 U.S. DEPARTMENT OF HEALTH & HUMAN SERVICES</p> <p>3 Office of Counsel to the Inspector General</p> <p>4 Administrative and Civil Remedies Branch</p> <p>5 BY: NANCY W. BROWN, ESQUIRE</p> <p>6 Room 5527, Cohen Building</p> <p>7 330 Independence Avenue, S.W.</p> <p>8 Washington, D.C. 20201</p> <p>9 Phone: (202) 205-9430</p> <p>10 Nancy.Brown@oig.hhs.gov</p> <p>11 Representing the United States</p> <p>12</p> <p>13 BERGER & MONTAGUE, P.C.</p> <p>14 BY: ROSLYN G. POLLACK, ESQUIRE</p> <p>15 1622 Locust Street</p> <p>16 Philadelphia, Pennsylvania 19103-6305</p> <p>17 Phone: (215) 875-3000</p> <p>18 rpollack@bm.net</p> <p>19 Representing Ven-A-Care</p> <p>20</p> <p>21</p> <p>22 APPEARANCES: (CONTINUED)</p>

<p style="text-align: right;">Page 421</p> <p>1 APPEARANCES: (CONTINUED)</p> <p>2 WEXLER, TORISEVA & WALLACE, LLP</p> <p>3 BY: AMBER M. NESBITT, ESQUIRE</p> <p>4 One North LaSalle Street</p> <p>5 Suite 2000</p> <p>6 Chicago, Illinois 60602</p> <p>7 Phone: (312) 346-2222</p> <p>8 amn@wtwlaw.us</p> <p>9 Representing the MDL Plaintiffs</p> <p>10</p> <p>11 STATE OF CALIFORNIA DEPARTMENT OF JUSTICE</p> <p>12 BUREAU OF MEDI-CAL FRAUD & ELDER ABUSE</p> <p>13 BY: NICHOLAS N. PAUL, DEPUTY ATTORNEY GENERAL</p> <p>14 CIVIL PROSECUTIONS UNIT</p> <p>15 P.O. Box 85266</p> <p>16 110 West A Street, #1100</p> <p>17 San Diego, California 92186</p> <p>18 nicholas.paul@doj.ca.gov</p> <p>19 Representing The State of California</p> <p>20</p> <p>21</p> <p>22 APPEARANCES: (CONTINUED)</p>	<p style="text-align: right;">Page 423</p> <p>1 APPEARANCES: (CONTINUED)</p> <p>2 JONES DAY</p> <p>3 BY: R. CHRISTOPHER COOK, ESQUIRE</p> <p>4 BY: DAVID S. TORBORG, ESQUIRE</p> <p>5 51 Louisiana Avenue, N.W.</p> <p>6 Washington, D.C. 20001-2113</p> <p>7 Phone: (202) 879-3939/5562</p> <p>8 christophercook@jonesday.com</p> <p>9 dstorborg@jonesday.com</p> <p>10 Representing Abbott Laboratories, Inc.</p> <p>11</p> <p>12 KELLEY, DRYE & WARREN, LLP</p> <p>13 BY: NEIL MERKL, ESQUIRE</p> <p>14 101 Park Avenue</p> <p>15 New York, New York 10178</p> <p>16 Phone: (212) 808-7811</p> <p>17 nmerkl@kelleydrye.com</p> <p>18 Representing Dey Company</p> <p>19</p> <p>20</p> <p>21</p> <p>22 APPEARANCES: (CONTINUED)</p>
<p style="text-align: right;">Page 422</p> <p>1 APPEARANCES: (CONTINUED)</p> <p>2 THE HAVILAND LAW FIRM, LLC</p> <p>3 BY: DONALD E. HAVILAND, JR., ESQUIRE</p> <p>4 740 South Third Street</p> <p>5 Third Floor</p> <p>6 Philadelphia, Pennsylvania 19147</p> <p>7 Phone: (215) 609-4661</p> <p>8 haviland@havilandlaw.com</p> <p>9 Representing the Commonwealth of</p> <p>10 Pennsylvania</p> <p>11</p> <p>12 WINGET-HERNANDEZ, LLC</p> <p>13 BY: MICHAEL WINGET-HERNANDEZ, ESQUIRE</p> <p>14 3112 Windsor Road, No. 228</p> <p>15 Austin, Texas 78703</p> <p>16 Phone: (512) 474-4095</p> <p>17 michael@winget-hernandez.com</p> <p>18 Representing New York Counties, The State of</p> <p>19 Wisconsin, The State of Kentucky, The State</p> <p>20 of Hawaii</p> <p>21</p> <p>22 APPEARANCES: (CONTINUED)</p>	<p style="text-align: right;">Page 424</p> <p>1 APPEARANCES: (CONTINUED)</p> <p>2 WHITE & CASE, LLP</p> <p>3 BY: PHILIP B. SINENENG, ESQUIRE</p> <p>4 1155 Avenue of the Americas</p> <p>5 New York, New York 10036-2787</p> <p>6 Phone: (212) 819-8411</p> <p>7 psineneng@whitecase.com</p> <p>8 Representing Sandoz</p> <p>9</p> <p>10 KIRKLAND & ELLIS, LLP</p> <p>11 BY: ERIC GORTNER, ESQUIRE</p> <p>12 200 East Randolph Drive</p> <p>13 Chicago, Illinois 60601</p> <p>14 Phone: (312) 861-2285</p> <p>15 egortner@kirkland.com</p> <p>16 Representing Roxane Laboratories and</p> <p>17 Boehringer Ingelheim</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22 APPEARANCES: (CONTINUED)</p>

<p style="text-align: right;">Page 425</p> <p>1 APPEARANCES: (CONTINUED)</p> <p>2 LOCKE, LIDDELL & SAPP, LLP</p> <p>3 BY: JOHN P. McDONALD, ESQUIRE</p> <p>4 Suite 2200</p> <p>5 2200 Ross Avenue</p> <p>6 Dallas, Texas 75201-6776</p> <p>7 jpmcdonald@lockeliddell.com</p> <p>8 Representing, Schering-Plough, Schering,</p> <p>9 and Warrick</p> <p>10</p> <p>11 TELEPHONIC APPEARANCES:</p> <p>12</p> <p>13 BEASLEY, ALLEN, CROW, METHVIN,</p> <p>14 PORTIS & MILES, P.C.</p> <p>15 BY: JOHN TOMLINSON, ESQUIRE</p> <p>16 218 Commerce Street</p> <p>17 Montgomery, Alabama 36104</p> <p>18 Phone: (334) 269-2343</p> <p>19 john.tomlinson@beasleyallen.com</p> <p>20 Representing The State of Alabama</p> <p>21</p> <p>22 (CONTINUED)</p>	<p style="text-align: right;">Page 427</p> <p>1 TELEPHONIC APPEARANCES (Continued):</p> <p>2 KIRKLAND & ELLIS, LLP</p> <p>3 BY: JUDSON D. BROWN, ESQUIRE</p> <p>4 655 Fifteenth Street, N.W.</p> <p>5 Washington, D.C. 20005</p> <p>6 Phone: (202) 879-5082</p> <p>7 jdbrown@kirkland.com</p> <p>8 Representing Barr Laboratories, Inc.</p> <p>9</p> <p>10 DICKSTEIN SHAPIRO, LLP</p> <p>11 BY: TINA REYNOLDS, ESQUIRE</p> <p>12 1825 Eye Street, N.W.</p> <p>13 Washington, D.C. 20006</p> <p>14 Phone: (202) 420-4114</p> <p>15 ReynoldsT@dicksteinshapiro.com</p> <p>16 Representing Baxter Healthcare Corporation</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22 TELEPHONIC APPEARANCES (Continued):</p>
<p style="text-align: right;">Page 426</p> <p>1 TELEPHONIC APPEARANCES (Continued):</p> <p>2 HAYNSWORTH, SINKLER, BOYD, P.A.</p> <p>3 BY: SARAH P. SPRUILL, ESQUIRE</p> <p>4 1201 Main Street, 22nd Floor</p> <p>5 Columbia, South Carolina 29201</p> <p>6 Phone: (803) 540-7854</p> <p>7 sspruill@hsblawfirm.com</p> <p>8 Representing Abbott Labs.</p> <p>9</p> <p>10 KEMPPEL, HUFFMAN & ELLIS, P.C.</p> <p>11 BY: JASON GIST, ESQUIRE</p> <p>12 255 E. Fireweed Lane, Suite 200</p> <p>13 Anchorage, Alaska 99503</p> <p>14 Phone: 277-1604</p> <p>15 jmg@khe.com</p> <p>16 Representing Schering and Warrick in</p> <p>17 the Alaska AWP Litigation</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22 TELEPHONIC APPEARANCES (Continued):</p>	<p style="text-align: right;">Page 428</p> <p>1 TELEPHONIC APPEARANCES (Continued):</p> <p>2 DAVIS, POLK & WARDELL</p> <p>3 BY: CATHERINE LIFESO, ESQUIRE</p> <p>4 450 Lexington Avenue</p> <p>5 New York, New York 10017</p> <p>6 Phone: (212) 450-4452</p> <p>7 catherine.lifeso@dpw.com</p> <p>8 Representing AstraZeneca</p> <p>9 Pharmaceuticals, LP</p> <p>10</p> <p>11 HOGAN & HARTSON, LLP</p> <p>12 BY: JESSICA P. FEINGOLD, ESQUIRE</p> <p>13 875 Third Avenue</p> <p>14 New York, New York 10022</p> <p>15 Phone: (212) 918-3636</p> <p>16 jpfeingold@hhlaw.com</p> <p>17 Representing Bristol-Myers Squibb Company</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22 TELEPHONIC APPEARANCES (Continued):</p>

<p style="text-align: right;">Page 429</p> <p>1 TELEPHONIC APPEARANCES (Continued):</p> <p>2 STATE OF FLORIDA</p> <p>3 OFFICE OF THE ATTORNEY GENERAL</p> <p>4 MEDICAID FRAUD CONTROL UNIT</p> <p>5 BY: JAIME LIANG, AAG</p> <p>6 PL-01 The Capitol</p> <p>7 Tallahassee, Florida 32399-1050</p> <p>8 Phone: (850) 414-3600</p> <p>9 jaime_liang@myfloridalegal.com</p> <p>10 Representing The State of Florida</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>	<p style="text-align: right;">Page 431</p> <p>1 EXHIBITS (Continued):</p> <p>2 E X H I B I T S</p> <p>3 NUMBER DESCRIPTION PAGE</p> <p>4</p> <p>5 Exhibit Abbott 093 HHD009-0119 - 0120 *</p> <p>6 Exhibit Abbott 094 "Medicare Reimbursement</p> <p>7 of Prescription Drugs"</p> <p>8 January 2001 598</p> <p>9 Exhibit Abbott 095 "Medicaid's Use of Revised</p> <p>10 Average Wholesale Prices"</p> <p>11 September 2001 *</p> <p>12 Exhibit Abbott 096 HHD009-1200 -1206 572</p> <p>13 Exhibit Abbott 097 "Medicaid Drug Price</p> <p>14 Comparison: Average Sales</p> <p>15 Price to Average Wholesale</p> <p>16 Price" - June 2005 612</p> <p>17 Exhibit Abbott 098 "How Inflated Published</p> <p>18 Prices Affect Drugs</p> <p>19 Considered for the Federal</p> <p>20 Upper Limit List"</p> <p>21 September 2005 612</p> <p>22</p>
<p style="text-align: right;">Page 430</p> <p>1 I N D E X</p> <p>2 - - -</p> <p>3</p> <p>4 LINDA RAGONE, VOLUME II</p> <p>5 EXAMINATION PAGE</p> <p>6 BY MR. COOK 438</p> <p>7 BY MR. MERKL 649</p> <p>8 BY MR. GORTNER 774</p> <p>9 BY MR. MCDONALD 826</p> <p>10 BY MS. FEINGOLD 833</p> <p>11</p> <p>12</p> <p>13 - - -</p> <p>14 E X H I B I T S</p> <p>15</p> <p>16 NUMBER DESCRIPTION PAGE</p> <p>17 Exhibit Abbott 088 Compilation of Additional</p> <p>18 Cross-Notices 436</p> <p>19 Exhibit Abbott 089 HHD013-1150 - 1155 521</p> <p>20 Exhibit Abbott 090 HHD013-0004 - 0005 530</p> <p>21 Exhibit Abbott 091 HHD009-0436 - 0439 554</p> <p>22 Exhibit Abbott 092 HHD013-2770 565</p>	<p style="text-align: right;">Page 432</p> <p>1 EXHIBITS (Continued):</p> <p>2 E X H I B I T S</p> <p>3 NUMBER DESCRIPTION PAGE</p> <p>4</p> <p>5 Exhibit Abbott 099 "The Impact of High-Priced</p> <p>6 Generic Drugs on Medicare</p> <p>7 and Medicaid" - July 1998 612</p> <p>8 Exhibit Abbott 100 "Physicians' Costs for</p> <p>9 Chemotherapy Drugs"</p> <p>10 November 1992 612</p> <p>11 Exhibit Abbott 101 "Comparing Drug</p> <p>12 Reimbursement: Medicare</p> <p>13 and Department of Veterans</p> <p>14 Affairs" - November 1998 612</p> <p>15 Exhibit Abbott 102 "Appropriateness of</p> <p>16 Medicare Prescription Drug</p> <p>17 Allowances" - May 1996 612</p> <p>18 Exhibit Abbott 103 "Payments for Enteral</p> <p>19 Nutrition: Medicare and</p> <p>20 Other Payers" - May 1996 612</p> <p>21</p> <p>22</p>

EXHIBIT H-4

Scully, Thomas A.

May 15, 2007

Washington, DC

Page 1

1 UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF MASSACHUSETTS

3 - - - - -x

4 IN RE: PHARMACEUTICAL : MDL NO. 1456

5 INDUSTRY AVERAGE WHOLESALE : CIVIL ACTION

6 PRICE LITIGATION : 01-CV-12257-PBS

7 THIS DOCUMENT RELATES TO :

8 U.S. ex rel. Ven-a-Care of : Judge Patti B. Saris

9 the Florida Keys, Inc. :

10 v. :

11 Abbott Laboratories, Inc., : Chief Magistrate

12 No. 06-CV-11337-PBS : Judge Marianne B.

13 - - - - -x Bowler

Scully, Thomas A.

May 15, 2007

Washington, DC

Page 2

1 IN THE CIRCUIT COURT OF
 2 MONTGOMERY COUNTY, ALABAMA
 3 -----X
 4 STATE OF ALABAMA, :
 5 Plaintiff, :
 6 vs. : Case No.: CV-05-219
 7 ABBOTT LABORATORIES, INC., : Judge Charles Price
 8 et al. :
 9 Defendants. :
 10 -----X
 11
 12 STATE OF WISCONSIN CIRCUIT COURT DANE COUNTY
 13 -----X
 14 STATE OF WISCONSIN, : CASE NO.
 15 Plaintiff, : 04-CV-1709
 16 v. :
 17 AMGEN INC., et al., :
 18 Defendants. :
 19 -----X
 20
 21
 22

Page 3

1 UNITED STATES DISTRICT COURT
 2 DISTRICT OF MASSACHUSETTS
 3 -----X
 4 THE COMMONWEALTH OF MASSACHUSETTS : CIVIL ACTION NO.
 5 Plaintiff, : 03-CV-11865-PBS
 6 v. :
 7 MYLAN LABORATORIES, INC., et al. :
 8 Defendants. :
 9 -----X
 10
 11 SUPERIOR COURT OF NEW JERSEY
 12 UNION COUNTY
 13 -----X
 14 CLIFFSIDE NURSING HOME, INC., on : LAW DIVISION
 15 behalf of itself and all others : DOCKET NO.
 16 similarly situated, as defined : UNN-L-2329-04
 17 herein, :
 18 Plaintiffs, :
 19 v. :
 20 DEY, INC., et al. :
 21 Defendants. :
 22 -----X

Page 4

1 IN THE COURT OF COMMON PLEAS
 2 FIFTH JUDICIAL CIRCUIT
 3 -----X
 4 STATE OF SOUTH CAROLINA, and : STATE OF
 5 HENRY D. McMASTER, in his official : SOUTH CAROLINA
 6 capacity as Attorney General for : COUNTY OF
 7 the State of South Carolina, : RICHLAND
 8 Plaintiff, :
 9 v. : CIVIL ACTION NO.
 10 WARRICK PHARMACEUTICALS : 2006-CP-40-4390
 11 CORPORATION, et al. : 2006-CP-40-4399
 12 Defendants. :
 13 -----X
 14 STATE OF SOUTH CAROLINA, and : STATE OF
 15 HENRY D. McMASTER, in his official : SOUTH CAROLINA
 16 capacity as Attorney General for : COUNTY OF
 17 the State of South Carolina, : RICHLAND
 18 Plaintiff, :
 19 v. : CASE NO.
 20 ABBOTT LABORATORIES, INC. : 2006-CP-40-4394
 21 Defendant. :
 22 -----X

Page 5

1 IN THE COURT OF COMMON PLEAS
 2 FIFTH JUDICIAL CIRCUIT
 3 -----X
 4 STATE OF SOUTH CAROLINA, and : STATE OF
 5 HENRY D. McMASTER, in his official : SOUTH CAROLINA
 6 capacity as Attorney General for : COUNTY OF
 7 the State of South Carolina, : RICHLAND
 8 Plaintiff, :
 9 v. : CIVIL ACTION NO.
 10 PAR PHARMACEUTICALS COMPANIES, : 2006-CP-40-7151
 11 INC., : 2006-CP-40-7153
 12 Defendant. :
 13 -----X
 14 STATE OF SOUTH CAROLINA, and : STATE OF
 15 HENRY D. McMASTER, in his official : SOUTH CAROLINA
 16 capacity as Attorney General for : COUNTY OF
 17 the State of South Carolina, : RICHLAND
 18 Plaintiff, :
 19 v. : CIVIL ACTION NO.
 20 MYLAN LABORATORIES INC., : 2007-CP-40-0282
 21 Defendant. : 2007-CP-40-0283
 22 -----X

2 (Pages 2 to 5)

Scully, Thomas A.

May 15, 2007

Washington, DC

<p style="text-align: right;">Page 6</p> <p>1 IN THE COURT OF COMMON PLEAS</p> <p>2 FIFTH JUDICIAL CIRCUIT</p> <p>3 -----X</p> <p>4 STATE OF SOUTH CAROLINA, and : STATE OF</p> <p>5 HENRY D. McMASTER, in his official : SOUTH CAROLINA</p> <p>6 capacity as Attorney General for : COUNTY OF</p> <p>7 the State of South Carolina, : RICHLAND</p> <p>8 Plaintiff, :</p> <p>9 v. : CIVIL ACTION NO.</p> <p>10 BARR PHARMACEUTICALS, INC. : 2007-CP-40-0280</p> <p>11 Defendant. : 2007-CP-40-0286</p> <p>12 -----X</p> <p>13</p> <p>14 IN THE CIRCUIT COURT OF THE FIRST CIRCUIT</p> <p>15 STATE OF HAWAII</p> <p>16 -----X</p> <p>17 STATE OF HAWAII, : CASE NO.</p> <p>18 Plaintiff, : 06-1-0720-04 EEH</p> <p>19 v. :</p> <p>20 ABBOTT LABORATORIES, INC., et al. : JUDGE EDEN</p> <p>21 Defendants. : ELIZABETH HIFO</p> <p>22 -----X</p>	<p style="text-align: right;">Page 8</p> <p>1 IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS</p> <p>2 STATE OF MISSOURI</p> <p>3 -----X</p> <p>4 STATE OF MISSOURI, ex rel, :</p> <p>5 JEREMIAH W. (JAY) NIXON, :</p> <p>6 Attorney General, :</p> <p>7 and :</p> <p>8 MISSOURI DEPARTMENT OF SOCIAL :</p> <p>9 SERVICES, DIVISION OF MEDICAL : Case No.</p> <p>10 SERVICES, : 054-1216</p> <p>11 Plaintiffs, : Division No. 31</p> <p>12 vs. :</p> <p>13 DEY INC., DEY, L.P., MERCK KGaA, :</p> <p>14 EMD, INC., WARRICK :</p> <p>15 PHARMACEUTICALS CORPORATION, :</p> <p>16 SCHERING-PLOUGH CORPORATION, and :</p> <p>17 SCHERING CORPORATION, :</p> <p>18 Defendants. :</p> <p>19 -----X</p> <p>20</p> <p>21</p> <p>22</p>
<p style="text-align: right;">Page 7</p> <p>1 IN THE COURT OF THE SECOND JUDICIAL CIRCUIT</p> <p>2 IN AND FOR LEON COUNTY, FLORIDA</p> <p>3 THE STATE OF FLORIDA</p> <p>4 ex rel.</p> <p>5 -----X</p> <p>6 VEN-A-CARE OF THE FLORIDA :</p> <p>7 KEYS, INC., a Florida :</p> <p>8 Corporation, by and through its :</p> <p>9 principal officers and directors, :</p> <p>10 ZACHARY T. BENTLEY and :</p> <p>11 T. MARK JONES, :</p> <p>12 Plaintiffs, :</p> <p>13 vs. : Civil Action</p> <p>14 MYLAN LABORATORIES INC.; MYLAN : No.: 98-3032G</p> <p>15 PHARMACEUTICALS INC.; NOVOPHARM : Judge: William</p> <p>16 LTD., SCHEIN PHARMACEUTICAL, INC.;; L. Gary</p> <p>17 TEVA PHARMACEUTICAL INDUSTRIES :</p> <p>18 LTD., TEVA PHARMACEUTICAL USA; :</p> <p>19 and WATSON PHARMACEUTICALS, INC., :</p> <p>20 Defendants. :</p> <p>21 -----X</p> <p>22</p>	<p style="text-align: right;">Page 9</p> <p>1 COMMONWEALTH OF KENTUCKY</p> <p>2 FRANKLIN CIRCUIT COURT - DIV. II</p> <p>3 -----X</p> <p>4 COMMONWEALTH OF KENTUCKY, : CIVIL ACTION NO.</p> <p>5 Plaintiff, : 03-CI-1134</p> <p>6 v. :</p> <p>7 ABBOTT LABORATORIES, INC., et al. :</p> <p>8 Defendants. :</p> <p>9 -----X</p> <p>10</p> <p>11 COMMONWEALTH OF KENTUCKY</p> <p>12 FRANKLIN CIRCUIT COURT - DIV. I</p> <p>13 -----X</p> <p>14 COMMONWEALTH OF KENTUCKY, ex rel. : CIVIL ACTION NO.</p> <p>15 GREGORY D. STUMBO, Attorney General: 04-CI-1487</p> <p>16 Plaintiff, :</p> <p>17 v. :</p> <p>18 ALPHAPHARMA, INC., et al. :</p> <p>19 Defendants. :</p> <p>20 -----X</p> <p>21 Washington, D.C.</p> <p>22 Tuesday, May 15, 2007</p>

3 (Pages 6 to 9)

Scully, Thomas A.

May 15, 2007

Washington, DC

<p style="text-align: right;">Page 10</p> <p>1 Videotaped Deposition of THOMAS A. 2 SCULLY, a witness herein, called for examination by 3 counsel for Abbott Laboratories in the above-entitled 4 matter, pursuant to subpoena, the witness being duly 5 sworn by SUSAN L. CIMINELLI, a Notary Public in and 6 for the District of Columbia, taken at the offices of 7 Jones Day, 51 Louisiana Avenue, Northwest, 8 Washington, D.C., at 8:49 a.m. on Tuesday, May 15, 9 2007, and the proceedings being taken down by 10 Stenotype by SUSAN L. CIMINELLI, CRR, RPR, and 11 transcribed under her direction. 12 13 14 15 16 17 18 19 20 21 22</p>	<p style="text-align: right;">Page 12</p> <p>1 APPEARANCES (continued): 2 3 On behalf of the U.S. Department of 4 Health and Human Services: 5 TROY A. BARSKY, ESQ. 6 U.S. Department of Health and Human Services 7 CMS Division 8 C2-05-23 9 7500 Security Boulevard 10 Baltimore, MD 21244-1850 11 (410) 786-8873 12 troy.barsky@hhs.gov 13 14 On behalf of the State of California: 15 NICHOLAS N. PAUL, ESQ. 16 Supervising Deputy Attorney General 17 Civil Prosecutions Unit 18 P.O. Box 85266 19 110 West A Street, #1100 20 San Diego, CA 82186 21 (619) 688-6099 22 nicholas.paul@doj.ca.gov</p>
<p style="text-align: right;">Page 11</p> <p>1 APPEARANCES: 2 3 On behalf of the United States of America: 4 GEJAA T. GOBENA, ESQ. 5 JOHN K. NEAL, ESQ. 6 ANDREW MAO, ESQ. 7 U.S. Department of Justice 8 Civil Division 9 601 D Street, Northwest 10 PHB - 9028/P.O. Box 261 11 Washington, D.C. 20044 12 Gejaa.Gobena@usdoj.gov 13 (202) 307-1088 14 15 16 17 18 19 20 21 22</p>	<p style="text-align: right;">Page 13</p> <p>1 APPEARANCES (continued): 2 3 On behalf of the State of Alabama: 4 ROGER BATES, ESQ. 5 Hand Arendall, L.L.C. 6 1200 Park Place Tower 7 2001 Park Place North 8 Birmingham, AL 35203 9 (205) 502-0105 10 Rbates@handarendall.com 11 12 On behalf of the State of Florida: 13 MARY S. MILLER, ESQ. 14 Office of the Attorney General of Florida 15 PL-01, The Capitol 16 Tallahassee, FL 32399-1050 17 (850) 414-3600 18 Mary_Miller@oag.state.fl.us 19 20 21 22</p>

4 (Pages 10 to 13)

Scully, Thomas A.

May 15, 2007

Washington, DC

<p style="text-align: right;">Page 14</p> <p>1 APPEARANCES (continued):</p> <p>2</p> <p>3 On behalf of Ven-a-Care of the Florida Keys, Inc.:</p> <p>4 JAMES JOSEPH BREEN, ESQ.</p> <p>5 The Breen Law Firm</p> <p>6 5755 North Point Parkway</p> <p>7 Suite 39</p> <p>8 Alpharetta, Georgia 30022</p> <p>9 jbreen@breenlaw.com</p> <p>10 (770) 740-0008</p> <p>11</p> <p>12 On behalf of the MDL Plaintiffs:</p> <p>13 JENNIFER FOUNTAIN CONNOLLY, ESQ.</p> <p>14 Wexler Toriseva Wallace</p> <p>15 One North LaSalle Street</p> <p>16 Suite 2000</p> <p>17 Chicago, Illinois 60602</p> <p>18 jfc@wtwlaw.us</p> <p>19 (312) 261-6195</p> <p>20</p> <p>21</p> <p>22</p>	<p style="text-align: right;">Page 16</p> <p>1 APPEARANCES (continued):</p> <p>2</p> <p>3 CHRISTOPHER COOK, ESQ.</p> <p>4 HILARY A. RAMSEY, ESQ.</p> <p>5 Jones Day</p> <p>6 51 Louisiana Avenue, Northwest</p> <p>7 Washington, D.C. 20001</p> <p>8 christophercook@jonesday.com</p> <p>9 haramsey@jonesday.com</p> <p>10 (202) 879-3939</p> <p>11</p> <p>12 On behalf of Sandoz, Inc.: (Via telephone)</p> <p>13 PHILIP SINENENG, ESQ.</p> <p>14 White & Case LLP</p> <p>15 1155 Avenue of the Americas</p> <p>16 New York, New York 10036-2787</p> <p>17 psineneng@whitecase.com</p> <p>18 (212) 819-8254</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>
<p style="text-align: right;">Page 15</p> <p>1 APPEARANCES (continued):</p> <p>2</p> <p>3 On behalf of Schering-Plough Corporation and</p> <p>4 Schering Corporation and Warrick Pharmaceuticals</p> <p>5 Corporation:</p> <p>6 JOHN P. McDONALD, ESQ.</p> <p>7 Locke Liddell & Sapp</p> <p>8 2200 Ross Avenue, Suite 2200</p> <p>9 Dallas, Texas 75201</p> <p>10 Jpmcdonald@lockeliddell.com</p> <p>11 (214) 740-8725</p> <p>12</p> <p>13 On behalf of Abbott Laboratories:</p> <p>14 JAMES R. DALY, ESQ.</p> <p>15 Jones Day</p> <p>16 77 West Wacker</p> <p>17 Chicago, IL 60601-1692</p> <p>18 JRDALY@JONESDAY.COM</p> <p>19 (312) 269-4141</p> <p>20 - and -</p> <p>21</p> <p>22</p>	<p style="text-align: right;">Page 17</p> <p>1 APPEARANCES (continued):</p> <p>2</p> <p>3 On behalf of AstraZeneca Pharmaceuticals LP:</p> <p>4 SCOTT WEISS, ESQ.</p> <p>5 CATHERINE LIFESO, ESQ. (Via telephone)</p> <p>6 Davis Polk & Wardwell</p> <p>7 450 Lexington Avenue</p> <p>8 New York, New York 10017</p> <p>9 scott.wise@dpw.com</p> <p>10 (212) 450-4452</p> <p>11</p> <p>12 On behalf of Johnson & Johnson:</p> <p>13 ERIK HAAS, ESQ.</p> <p>14 Patterson Belknap Webb & Tyler LLP</p> <p>15 1133 Avenue of the Americas</p> <p>16 New York, New York 10036-6710</p> <p>17 ehaas@pbwt.com</p> <p>18 (212) 336-2117</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>

5 (Pages 14 to 17)

Scully, Thomas A.

May 15, 2007

Washington, DC

<p style="text-align: right;">Page 18</p> <p>1 APPEARANCES (continued):</p> <p>2</p> <p>3 On behalf of the State of Wisconsin: (Via telephone)</p> <p>4 CHARLES BARNHILL, ESQ.</p> <p>5 Miner, Barnhill & Galland</p> <p>6 44 East Martin St.</p> <p>7 Suite 803</p> <p>8 Madison, WI</p> <p>9 (608) 255-3200</p> <p>10</p> <p>11 On behalf of Schering and Warrick: (Via telephone)</p> <p>12 JOBE G. DANGANAN, ESQ.</p> <p>13 Ropes & Gray</p> <p>14 One International Place</p> <p>15 Boston, MA 02110-2624</p> <p>16 jobe.danganan@ropesgray.com</p> <p>17 (617) 951-7290</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>	<p style="text-align: right;">Page 20</p> <p>1 APPEARANCES (continued):</p> <p>2</p> <p>3 On behalf of Par Pharmaceuticals:</p> <p>4 PAUL K. DUEFFERT, ESQ.</p> <p>5 Williams & Connolly LLP</p> <p>6 725 Twelfth Street, Northwest</p> <p>7 Washington, D.C. 20005</p> <p>8 (202) 434-5097</p> <p>9</p> <p>10 On behalf of Aventis Pharmaceuticals:</p> <p>11 JENNIFER H. MCGEE, ESQ.</p> <p>12 Shook, Hardy & Bacon LLP</p> <p>13 Hamilton Square</p> <p>14 800 14th Street, Northwest, Suite 800</p> <p>15 Washington, D.C. 20005-2004</p> <p>16 jmcgee@shb.com</p> <p>17 (202) 783-8400</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>
<p style="text-align: right;">Page 19</p> <p>1 APPEARANCES (continued):</p> <p>2</p> <p>3 On behalf of Bristol-Myers Squibb:</p> <p>4 THOMAS J. SWEENEY, III, ESQ.</p> <p>5 Hogan & Hartson LLP</p> <p>6 875 Third Avenue</p> <p>7 New York, New York 10022</p> <p>8 jyoung@hhlaw.com</p> <p>9 (212) 918-3528</p> <p>10</p> <p>11 On behalf of Dey, Inc. and Dey, L.P. and Mylan:</p> <p>12 WILLIAM A. ESCOBAR, ESQ.</p> <p>13 Kelley Drye & Warren LLP</p> <p>14 101 Park Avenue</p> <p>15 New York, New York 10178</p> <p>16 wescobar@kelleydrye.com</p> <p>17 (212) 808-7811</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>	<p style="text-align: right;">Page 21</p> <p>1 APPEARANCES (continued):</p> <p>2</p> <p>3 On behalf of Roxane Laboratories and Boehringer</p> <p>4 Ingelheim:</p> <p>5 ERIC GORTNER, ESQ.</p> <p>6 Kirkland & Ellis LLP</p> <p>7 200 East Randolph Drive</p> <p>8 Chicago, Illinois 60601</p> <p>9 egortner@kirkland.com</p> <p>10 (312) 861-2286</p> <p>11</p> <p>12 On behalf of GlaxoSmithKline:</p> <p>13 MARK H. LYNCH, ESQ.</p> <p>14 Covington & Burling LLP</p> <p>15 1201 Pennsylvania Avenue, Northwest</p> <p>16 Washington, D.C. 20004-2401</p> <p>17 MLYNCH@COV.COM</p> <p>18 (202) 662-5544</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>

6 (Pages 18 to 21)

Scully, Thomas A.

May 15, 2007

Washington, DC

<p style="text-align: right;">Page 22</p> <p>1 APPEARANCES (continued):</p> <p>2</p> <p>3 On Behalf of Amgen, Inc.: (Via telephone)</p> <p>4 JENNIFER A. WALKER, ESQ.</p> <p>5 JOSEPH YOUNG, ESQ.</p> <p>6 Hogan & Hartson LLP</p> <p>7 111 South Calvert Street, Suite 1600</p> <p>8 Baltimore, Maryland 21202</p> <p>9 jawalker@hhlaw.com</p> <p>10 (410) 659-2759</p> <p>11</p> <p>12 On behalf of Teva and Ivax:</p> <p>13 PATRICK M. BRYAN, ESQ.</p> <p>14 Kirkland & Ellis LLP</p> <p>15 655 Fifteenth Street, N.W.</p> <p>16 Washington, D.C. 20005</p> <p>17 pbryan@kirkland.com</p> <p>18 (202) 879-5285</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>	<p style="text-align: right;">Page 24</p> <p>1 APPEARANCES (continued):</p> <p>2</p> <p>3 On behalf of The Commonwealth of Pennsylvania:</p> <p>4 (Via telephone)</p> <p>5 MICHAEL LaRUSSO, ESQ.</p> <p>6 The Haviland Law Firm, LLC</p> <p>7 740 South Third Street, Third Floor</p> <p>8 Philadelphia, PA 19147</p> <p>9 (215) 609-4661</p> <p>10 haviland@havilandlaw.com</p> <p>11</p> <p>12 ALSO PRESENT:</p> <p>13 Mike Hunterton, Videographer</p> <p>14 Claire Norsetter</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>
<p style="text-align: right;">Page 23</p> <p>1 APPEARANCES (continued):</p> <p>2</p> <p>3 On behalf of Merck:</p> <p>4 JAMES A. GRAFFAM, ESQ.</p> <p>5 Hughes Hubbard</p> <p>6 1775 I Street, N.W.</p> <p>7 Washington, D.C. 20006-2401</p> <p>8 graffam@hugheshubbard.com</p> <p>9 (202) 721-4677</p> <p>10</p> <p>11 On behalf of GlaxoSmithKline: (Via telephone)</p> <p>12 MICHAEL NEWMAN, ESQ.</p> <p>13 Dechert LLP</p> <p>14 Cira Centre</p> <p>15 2929 Arch Street</p> <p>16 Philadelphia, PA 19104-2808</p> <p>17 (215) 994-4000</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>	<p style="text-align: right;">Page 25</p> <p>1 C O N T E N T S</p> <p>2 THE WITNESS:</p> <p>3 THOMAS A. SCULLY</p> <p>4</p> <p>5 By Mr. Daly .....27</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>

7 (Pages 22 to 25)

Washington, DC

Page 443

1 UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF MASSACHUSETTS

3 - - - - -x

4 IN RE: PHARMACEUTICAL : MDL NO. 1456

5 INDUSTRY AVERAGE WHOLESALE : CIVIL ACTION

6 PRICE LITIGATION : 01-CV-12257-PBS

7 THIS DOCUMENT RELATES TO : U.S. ex rel.

8 Ven-a-Care of The Florida : Judge Patti B. Saris

9 Keys, Inc. :

10 v. :

11 Abbott Laboratories, Inc., : Chief Magistrate

12 No. 06-CV-11337-PBS : Judge Marianne B.

13 - - - - -x Bowler

16 THOMAS A. SCULLY - VOLUME II

17 JULY 13, 2007

18 WASHINGTON, DC

22 (CAPTION CONTINUED)

<p style="text-align: right;">Page 444</p> <p>1 IN THE CIRCUIT COURT OF</p> <p>2 MONTGOMERY COUNTY, ALABAMA</p> <p>3 -----X</p> <p>4 STATE OF ALABAMA, :</p> <p>5 Plaintiff, :</p> <p>6 v. : Case No.: CV-05-219</p> <p>7 ABBOTT LABORATORIES, INC., : Judge Charles Price</p> <p>8 Et al. :</p> <p>9 Defendants. :</p> <p>10 -----X</p> <p>11 STATE OF WISCONSIN CIRCUIT COURT DANE COUNTY</p> <p>12 -----X</p> <p>13 STATE OF WISCONSIN, : CASE NO.</p> <p>14 Plaintiff, : 04-CV-1709</p> <p>15 v. :</p> <p>16 AMGEN INC., et al., :</p> <p>17 Defendants. :</p> <p>18 -----X</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>	<p style="text-align: right;">Page 446</p> <p>1 IN THE COURT OF COMMON PLEAS</p> <p>2 FIFTH JUDICIAL CIRCUIT</p> <p>3 -----X</p> <p>4 STATE OF SOUTH CAROLINA, and : STATE OF</p> <p>5 HENRY D. McMASTER, in his official : SOUTH CAROLINA</p> <p>6 Capacity as Attorney General for : COUNTY OF</p> <p>7 The State of South Carolina, : RICHLAND</p> <p>8 Plaintiff, :</p> <p>9 v. : CIVIL ACTION NO.</p> <p>10 WARRICK PHARMACEUTICALS : 2006-CP-40-4390</p> <p>11 CORPORATION, et al. : 2006-CP-40-4399</p> <p>12 Defendants. :</p> <p>13 -----X</p> <p>14 STATE OF SOUTH CAROLINA, and : STATE OF</p> <p>15 HENRY D. McMASTER, in his official : SOUTH CAROLINA</p> <p>16 Capacity as Attorney General for : COUNTY OF</p> <p>17 The State of South Carolina, : RICHLAND</p> <p>18 Plaintiff, :</p> <p>19 v. : CASE NO.</p> <p>20 ABBOTT LABORATORIES, INC., : 2006-CP-40-4394</p> <p>21 Defendant. :</p> <p>22 -----X</p>
<p style="text-align: right;">Page 445</p> <p>1 UNITED STATES DISTRICT COURT</p> <p>2 DISTRICT OF MASSACHUSETTS</p> <p>3 -----X</p> <p>4 THE COMMONWEALTH OF MASSACHUSETTS : CIVIL ACTION NO.</p> <p>5 Plaintiff, : 03-CV-11865-PBS</p> <p>6 v. :</p> <p>7 MYLAN LABORATORIES, INC., et al. :</p> <p>8 Defendants. :</p> <p>9 -----X</p> <p>10 SUPERIOR COURT OF NEW JERSEY</p> <p>11 UNION COUNTY</p> <p>12 -----X</p> <p>13 CLIFFSIDE NURSING HOME, INC., on : LAW DIVISION</p> <p>14 Behalf of itself and all others : DOCKET NO.</p> <p>15 Similarly situated, as defined : UNN-L-2329-04</p> <p>16 Herein, :</p> <p>17 Plaintiffs, :</p> <p>18 v. :</p> <p>19 DEY, INC., et al. :</p> <p>20 Defendants. :</p> <p>21 -----X</p> <p>22</p>	<p style="text-align: right;">Page 447</p> <p>1 IN THE COURT OF COMMON PLEAS</p> <p>2 FIFTH JUDICIAL CIRCUIT</p> <p>3 -----X</p> <p>4 STATE OF SOUTH CAROLINA, and : STATE OF</p> <p>5 HENRY D. McMASTER, in his official : SOUTH CAROLINA</p> <p>6 Capacity as Attorney General for : COUNTY OF</p> <p>7 The State of South Carolina, : RICHLAND</p> <p>8 Plaintiff, :</p> <p>9 v. : CIVIL ACTION NO.</p> <p>10 PAR PHARMACEUTICALS COMPANIES, : 2006-CP-40-7151</p> <p>11 INC., : 2006-CP-40-7153</p> <p>12 Defendant. :</p> <p>13 -----X</p> <p>14 STATE OF SOUTH CAROLINA, and : STATE OF</p> <p>15 HENRY D. McMASTER, in his official : SOUTH CAROLINA</p> <p>16 Capacity as Attorney General for : COUNTY OF</p> <p>17 The State of South Carolina, : RICHLAND</p> <p>18 Plaintiff, :</p> <p>19 v. : CIVIL ACTION NO.</p> <p>20 MYLAN LABORATORIES INC., : 2007-CP-40-0282</p> <p>21 Defendant. : 2007-CP-40-0283</p> <p>22 -----X</p>

<p style="text-align: right;">Page 448</p> <p>1 IN THE COURT OF COMMON PLEAS</p> <p>2 FIFTH JUDICIAL CIRCUIT</p> <p>3 -----X</p> <p>4 STATE OF SOUTH CAROLINA, and : STATE OF</p> <p>5 HENRY D. McMASTER, in his official : SOUTH CAROLINA</p> <p>6 Capacity as Attorney General for : COUNTY OF</p> <p>7 The State of South Carolina, : RICHLAND</p> <p>8 Plaintiff, :</p> <p>9 v. : CIVIL ACTION NO.</p> <p>10 BARR PHARMACEUTICALS, INC., : 2007-CP-40-0280</p> <p>11 Defendant. : 2007-CP-40-0286</p> <p>12 -----X</p> <p>13 IN THE CIRCUIT COURT OF THE FIRST CIRCUIT</p> <p>14 STATE OF HAWAII</p> <p>15 -----X</p> <p>16 STATE OF HAWAII, : CASE NO.</p> <p>17 Plaintiff, : 06-1-0720-04 EEH</p> <p>18 v. :</p> <p>19 ABBOTT LABORATORIES, INC., et al., : JUDGE EDEN</p> <p>20 Defendants. : ELIZABETH HIFO</p> <p>21 -----X</p> <p>22</p>	<p style="text-align: right;">Page 450</p> <p>1 IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS</p> <p>2 STATE OF MISSOURI</p> <p>3 -----X</p> <p>4 STATE OF MISSOURI, ex rel, :</p> <p>5 JEREMIAH W. (JAY) NIXON, :</p> <p>6 Attorney General, :</p> <p>7 and :</p> <p>8 MISSOURI DEPARTMENT OF SOCIAL :</p> <p>9 SERVICES, DIVISION OF MEDICAL : Case No.</p> <p>10 SERVICES, : 054-1216</p> <p>11 Plaintiffs, : Division No. 31</p> <p>12 v. :</p> <p>13 DEY INC., DEY, L.P., MERCK KGaA, :</p> <p>14 EMD, INC., WARRICK :</p> <p>15 PHARMACEUTICALS CORPORATION, :</p> <p>16 SCHERING-PLOUGH CORPORATION, and :</p> <p>17 SCHERING CORPORATION, :</p> <p>18 Defendants. :</p> <p>19 -----X</p> <p>20</p> <p>21</p> <p>22</p>
<p style="text-align: right;">Page 449</p> <p>1 IN THE COURT OF THE SECOND JUDICIAL CIRCUIT</p> <p>2 IN AND FOR LEON COUNTY, FLORIDA</p> <p>3 THE STATE OF FLORIDA</p> <p>4 Ex rel.</p> <p>5 -----X</p> <p>6 VEN-A-CARE OF THE FLORIDA :</p> <p>7 KEYS, INC., a Florida :</p> <p>8 Corporation, by and through its :</p> <p>9 Principal officers and directors, :</p> <p>10 ZACHARY T. BENTLEY and :</p> <p>11 T. MARK JONES, :</p> <p>12 Plaintiffs, :</p> <p>13 v. : Civil Action</p> <p>14 MYLAN LABORATORIES INC.; MYLAN : No.: 98-3032G</p> <p>15 PHARMACEUTICALS INC.; NOVOPHARM : Judge: William</p> <p>16 LTD., SCHEIN PHARMACEUTICAL, INC.; : L. Gary</p> <p>17 TEVA PHARMACEUTICAL INDUSTRIES :</p> <p>18 LTD., TEVA PHARMACEUTICAL USA; :</p> <p>19 And WATSON PHARMACEUTICALS, INC., :</p> <p>20 Defendants. :</p> <p>21 -----X</p> <p>22</p>	<p style="text-align: right;">Page 451</p> <p>1 COMMONWEALTH OF KENTUCKY</p> <p>2 FRANKLIN CIRCUIT COURT - DIV. II</p> <p>3 -----X</p> <p>4 COMMONWEALTH OF KENTUCKY, : CIVIL ACTION NO.</p> <p>5 Plaintiff, : 03-CI-1134</p> <p>6 v. :</p> <p>7 ABBOTT LABORATORIES, INC., et al., :</p> <p>8 Defendants. :</p> <p>9 -----X</p> <p>10 COMMONWEALTH OF KENTUCKY</p> <p>11 FRANKLIN CIRCUIT COURT - DIV. I</p> <p>12 -----X</p> <p>13 COMMONWEALTH OF KENTUCKY, ex rel., : CIVIL ACTION NO.</p> <p>14 GREGORY D. STUMBO, Attorney General: 04-CI-1487</p> <p>15 Plaintiff, :</p> <p>16 v. :</p> <p>17 ALPHAPHARMA, INC., et al., :</p> <p>18 Defendants. :</p> <p>19 -----X</p> <p>20</p> <p>21</p> <p>22</p>

<p style="text-align: right;">Page 452</p> <p style="text-align: center;">Volume II Washington, D.C. Friday, July 13, 2007</p> <p>Videotaped Deposition of THOMAS A. SCULLY, a witness herein, called for examination by counsel for Abbott Laboratories in the above-entitled matter, pursuant to subpoena, the witness being duly sworn by Cassandra E. Ellis, a Notary Public in and for the District of Columbia, taken at the offices of Jones Day, 51 Louisiana Avenue, Northwest, Washington, D.C., at 8:50 a.m. on Friday, July 13, 2007, and the proceedings being taken down by Stenotype by CASSANDRA E. ELLIS, RPR, Livenote Certified Reporter, and transcribed under her direction.</p>	<p style="text-align: right;">Page 454</p> <p>APPEARANCES (continued):</p> <p>On behalf of the State of California: NICHOLAS N. PAUL, ESQ. Supervising Deputy Attorney General Civil Prosecutions Unit P.O. Box 85266 110 West A Street, #1100 San Diego, CA 82186 (619) 688-6099 Nicholas.paul@doj.ca.gov</p> <p>On behalf of the State of Alabama: CLINTON CARTER, ESQ. Beasley, Allen, Crow, Methvin, Portis, & Miles, P.C. 272 Commerce Street Post Office Box 4160 Montgomery, AL 36103 (334) 269-2343 Clint.carter@beasleyallen.com</p> <p>(continued)</p>
<p style="text-align: right;">Page 453</p> <p>APPEARANCES:</p> <p>On behalf of the United States of America: GEJAA T. GOBENA, ESQUIRE JOHN K. NEAL, ESQUIRE U.S. Department of Justice Civil Division 601 D Street, Northwest PHB - 9028/P.O. Box 261 Washington, D.C. 20044 Gejaa.Gobena@usdoj.gov (202) 307-1088</p> <p>On behalf of the U.S. Department of Health and Human Services: BRIAN KELLEY, ESQUIRE U.S. Department of Health and Human Services CMS Division C2-05-23 330 Independence Avenue, Southwest WASHINGTON, D.C. (202) 205-8702</p>	<p style="text-align: right;">Page 455</p> <p>APPEARANCES (continued):</p> <p>On behalf of the State of Florida: (Via Telephone) MARY S. MILLER, ESQ. Office of the Attorney General of Florida PL-01, The Capitol Tallahassee, FL 32399-1050 (850) 414-3600 Mary_Miller@oag.state.fl.us</p> <p>On behalf of Ven-a-Care of the Florida Keys, Inc.: RAND RIKLIN, ESQ. Goode, Casseb, Jones, Riklin, Choate, & Watson 2122 North Main San Antonio, TX 78212 Riklin@goodelaw.com (210) 733-6030</p> <p>(continued)</p>

<p style="text-align: right;">Page 456</p> <p>1 APPEARANCES (continued):</p> <p>2 On behalf of the MDL Plaintiffs:</p> <p>3 JENNIFER FOUNTAIN CONNOLLY, ESQ.</p> <p>4 Wexler Toriseva Wallace</p> <p>5 One North LaSalle Street, Suite 2000</p> <p>6 Chicago, Illinois 60602</p> <p>7 Jfc@wtwlaw.us</p> <p>8 (312) 261-6195</p> <p>9</p> <p>10 On behalf of Schering-Plough Corporation and</p> <p>11 Schering Corporation and Warrick Pharmaceuticals</p> <p>12 Corporation:</p> <p>13 JOHN P. McDONALD, ESQ.</p> <p>14 Locke Liddell & Sapp</p> <p>15 2200 Ross Avenue, Suite 2200</p> <p>16 Dallas, Texas 75201</p> <p>17 Jpmcdonald@lockeliddell.com</p> <p>18 (214) 740-8725</p> <p>19</p> <p>20</p> <p>21</p> <p>22 (continued)</p>	<p style="text-align: right;">Page 458</p> <p>1 APPEARANCES (continued):</p> <p>2 On behalf of Johnson & Johnson:</p> <p>3 ERIK HAAS, ESQ.</p> <p>4 Patterson Belknap Webb & Tyler LLP</p> <p>5 1133 Avenue of the Americas</p> <p>6 New York, New York 10036-6710</p> <p>7 Ehaas@pbwt.com</p> <p>8 (212) 336-2117</p> <p>9</p> <p>10 On behalf of Schering and Warrick:</p> <p>11 (Via telephone)</p> <p>12 JOBE G. DANGANAN, ESQ.</p> <p>13 Ropes & Gray</p> <p>14 One International Place</p> <p>15 Boston, MA 02110-2624</p> <p>16 Jobe.danganan@ropesgray.com</p> <p>17 (617) 951-7290</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22 (continued)</p>
<p style="text-align: right;">Page 457</p> <p>1 APPEARANCES (continued):</p> <p>2 On behalf of Abbott Laboratories:</p> <p>3 CHRISTOPHER COOK, ESQ.</p> <p>4 HILARY A. RAMSEY, ESQ.</p> <p>5 Jones Day</p> <p>6 51 Louisiana Avenue, Northwest</p> <p>7 Washington, D.C. 20001</p> <p>8 Christophercook@jonesday.com</p> <p>9 Haramsey@jonesday.com</p> <p>10 (202) 879-3939</p> <p>11</p> <p>12 On behalf of Sandoz, Inc.: (Via telephone)</p> <p>13 PHILIP SINENENG, ESQ.</p> <p>14 White & Case LLP</p> <p>15 1155 Avenue of the Americas</p> <p>16 New York, New York 10036-2787</p> <p>17 Psineneng@whitecase.com</p> <p>18 (212) 819-8254</p> <p>19</p> <p>20</p> <p>21</p> <p>22 (continued)</p>	<p style="text-align: right;">Page 459</p> <p>1 APPEARANCES (continued):</p> <p>2 On behalf of Amgen:</p> <p>3 (Via Telephone)</p> <p>4 Steve Barley, ESQ.</p> <p>5 Hogan & Hartson LLP</p> <p>6 875 Third Avenue</p> <p>7 New York, New York 10022</p> <p>8 Jyoung@hhlaw.com</p> <p>9 (212) 918-3528</p> <p>10</p> <p>11 On behalf of Dey, Inc. And Dey, L.P. and Mylan:</p> <p>12 WILLIAM A. ESCOBAR, ESQ.</p> <p>13 Kelley Drye & Warren LLP</p> <p>14 101 Park Avenue</p> <p>15 New York, New York 10178</p> <p>16 Wescobar@kelleydrye.com</p> <p>17 (212) 808-7811</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22 (continued)</p>

<p style="text-align: right;">Page 460</p> <p>1 APPEARANCES (continued):</p> <p>2 On behalf of Roxane Laboratories and</p> <p>3 Boehringer Ingelheim:</p> <p>4 ERIC GORTNER, ESQ.</p> <p>5 Kirkland & Ellis LLP</p> <p>6 200 East Randolph Drive</p> <p>7 Chicago, Illinois 60601</p> <p>8 Egortner@kirkland.com</p> <p>9 (312) 861-2286</p> <p>10</p> <p>11 On Behalf of Amgen, Inc.: (Via telephone)</p> <p>12 JENNIFER A. WALKER, ESQ.</p> <p>13 JOSEPH YOUNG, ESQ.</p> <p>14 Hogan & Hartson LLP</p> <p>15 111 South Calvert Street, Suite 1600</p> <p>16 Baltimore, Maryland 21202</p> <p>17 Jawalker@hhlaw.com</p> <p>18 (410) 659-2759</p> <p>19</p> <p>20</p> <p>21</p> <p>22 (continued)</p>	<p style="text-align: right;">Page 462</p> <p>1 APPEARANCES (continued):</p> <p>2 On behalf of Bristol-Myers</p> <p>3 Squibb Company:</p> <p>4 STEVEN EDWARDS, ESQUIRE</p> <p>5 HOA HOANG, ESQUIRE</p> <p>6 Hogan & Hartson, LLP</p> <p>7 875 Third Avenue</p> <p>8 New York, New York 10022</p> <p>9 Smedwards@hhlaw.com</p> <p>10 Httoang@hhlaw.com</p> <p>11 (212) 918-3640</p> <p>12</p> <p>13 On behalf of Merck:</p> <p>14 JAMES A. GRAFFAM, ESQ. (Via Telephone)</p> <p>15 Hughes Hubbard</p> <p>16 1775 I Street, N.W.</p> <p>17 Washington, D.C. 20006-2401</p> <p>18 Graffam@hugheshubbard.com</p> <p>19 (202) 721-4677</p> <p>20</p> <p>21</p> <p>22 (continued)</p>
<p style="text-align: right;">Page 461</p> <p>1 APPEARANCES (continued):</p> <p>2 On behalf of Teva and Ivax:</p> <p>3 PATRICK M. BRYAN, ESQ.</p> <p>4 Kirkland & Ellis LLP</p> <p>5 655 Fifteenth Street, N.W.</p> <p>6 Washington, D.C. 20005</p> <p>7 Pbryan@kirkland.com</p> <p>8 (202) 879-5285</p> <p>9</p> <p>10 On Behalf of TAP Pharmaceutical</p> <p>11 Products, Inc.:</p> <p>12 (Via Telephone)</p> <p>13 SHANNON LAHEY, ESQUIRE</p> <p>14 GOODWIN, PROCTER</p> <p>15 Exchange Place</p> <p>16 Boston, Massachusetts 02109</p> <p>17 Slahey@goodwinprocter.com</p> <p>18 (617) 570-1000</p> <p>19</p> <p>20</p> <p>21</p> <p>22 (continued)</p>	<p style="text-align: right;">Page 463</p> <p>1 APPEARANCES (continued):</p> <p>2 On behalf of AstraZeneca Pharmaceuticals LP:</p> <p>3 SCOTT WEISS, ESQ.</p> <p>4 CATHERINE LIFESO, ESQ. (Via telephone)</p> <p>5 Davis Polk & Wardwell</p> <p>6 450 Lexington Avenue</p> <p>7 New York, New York 10017</p> <p>8 Scott.wise@dpw.com</p> <p>9 (212) 450-4452</p> <p>10</p> <p>11</p> <p>12</p> <p>13 ALSO PRESENT: Mike Hunterton, Videographer</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>

EXHIBIT H-5

1 UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF MASSACHUSETTS

3 -----X MDL NO. 1456

4 IN RE: PHARMACEUTICAL INDUSTRY : CIVIL ACTION:

5 AVERAGE WHOLESALE PRICE LITIGATION : 01-CV-12257-PBS

6 -----X

7 THIS DOCUMENT RELATES TO: :

8 U.S. ex rel. Ven-A-Care of the : CIVIL ACTION:

9 Florida Keys, Inc. v. Abbott : 06-CV-11337-PBS

10 Laboratories, Inc. :

11 -----X

12
13 IN THE CIRCUIT COURT OF

14 MONTGOMERY COUNTY, ALABAMA

15 -----X

16 STATE OF ALABAMA, : CASE NO.

17 Plaintiff, : CV-05-219

18 v. :

19 ABBOTT LABORATORIES, INC., : JUDGE

20 et al., : CHARLES PRICE

21 Defendants. :

22 -----X

Page 2

1 UNITED STATES DISTRICT COURT
 2 DISTRICT OF MASSACHUSETTS
 3 -----X
 4 THE COMMONWEALTH OF MASSACHUSETTS : CIVIL ACTION NO.
 5 Plaintiff, : 03-CV-11865-PBS
 6 v. :
 7 MYLAN LABORATORIES, INC., et al. :
 8 Defendants. :
 9 -----X
 10
 11 SUPERIOR COURT OF NEW JERSEY
 12 UNION COUNTY
 13 -----X
 14 CLIFFSIDE NURSING HOME, INC., on : LAW DIVISION
 15 behalf of itself and all others : DOCKET NO.
 16 similarly situated, as defined : UNN-L-2329-04
 17 herein, :
 18 Plaintiffs, :
 19 v. :
 20 DEY, INC., et al. :
 21 Defendants. :
 22 -----X

Page 3

1 STATE OF WISCONSIN CIRCUIT COURT DANE COUNTY
 2 -----X
 3 STATE OF WISCONSIN, : CASE NO.
 4 Plaintiff, : 04-CV-1709
 5 v. :
 6 AMGEN INC., et al., :
 7 Defendants. :
 8 -----X
 9
 10 IN THE COURT OF COMMON PLEAS
 11 FIFTH JUDICIAL CIRCUIT
 12 -----X
 13 STATE OF SOUTH CAROLINA, and : STATE OF
 14 HENRY D. McMASTER, in his official : SOUTH CAROLINA
 15 capacity as Attorney General for : COUNTY OF
 16 the State of South Carolina, : RICHLAND
 17 Plaintiff, :
 18 v. : CASE NO.
 19 ABBOTT LABORATORIES, INC. : 2006-CP-40-4394
 20 Defendant. :
 21 -----X
 22

Page 4

1 IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
 2 STATE OF HAWAII
 3 -----X
 4 STATE OF HAWAII, : CASE NO.
 5 Plaintiff, : 06-1-0720-04 EEH
 6 v. :
 7 ABBOTT LABORATORIES, INC., et al. : JUDGE EDEN
 8 Defendants. : ELIZABETH HIFO
 9 -----X
 10
 11 COMMONWEALTH OF KENTUCKY
 12 FRANKLIN CIRCUIT COURT - DIV. II
 13 -----X
 14 COMMONWEALTH OF KENTUCKY, : CIVIL ACTION NO.
 15 Plaintiff, : 03-CI-1134
 16 v. :
 17 ABBOTT LABORATORIES, INC., et al. :
 18 Defendants. :
 19 -----X
 20
 21
 22

Page 5

1 COMMONWEALTH OF KENTUCKY
 2 FRANKLIN CIRCUIT COURT - DIV. I
 3 -----X
 4 COMMONWEALTH OF KENTUCKY, ex rel. : CIVIL ACTION NO.
 5 GREGORY D. STUMBO, Attorney General: 03-CI-1487
 6 Plaintiff, :
 7 v. :
 8 ALPHAPHARMA, INC., et al. :
 9 Defendants. :
 10 -----X
 11 - - -
 12 Videotaped deposition of DAVID
 13 TAWES was taken, pursuant to notice, at MORGAN
 14 LEWIS & BOCKIUS, LLP, 1701 Market Street,
 15 Philadelphia, Pennsylvania, on Tuesday, April
 16 24, 2007, beginning at 8:45 a.m., before M.
 17 Kathleen Muino, Professional Shorthand
 18 Reporter, Notary Public; Richard Kanzinger,
 19 Jr., Videographer, there being present:
 20
 21
 22

<p style="text-align: right;">Page 6</p> <p>1 APPEARANCES:</p> <p>2</p> <p>3 UNITED STATES DEPARTMENT OF JUSTICE</p> <p>4 CIVIL DIVISION</p> <p>5 BY: JOHN K. NEAL, ESQUIRE</p> <p>6 601 D Street, N.W.</p> <p>7 Washington, D.C. 20004</p> <p>8 Phone: (202) 307-0405</p> <p>9 John.Neal2@usdog.gov</p> <p>10 Representing the United States</p> <p>11</p> <p>12 U.S. DEPARTMENT OF JUSTICE</p> <p>13 CIVIL DIVISION</p> <p>14 BY: JUSTIN DRAYCOTT, ESQUIRE</p> <p>15 P.O. Box 261</p> <p>16 Ben Franklin Station</p> <p>17 Washington, D.C. 20044</p> <p>18 Phone: (202) 305-9300</p> <p>19 justin.draycott@usdoj.gov</p> <p>20 Representing the United States</p> <p>21</p> <p>22</p>	<p style="text-align: right;">Page 8</p> <p>1 APPEARANCES (Continued):</p> <p>2</p> <p>3 BERGER & MONTAGUE, P.C.</p> <p>4 BY: ROSLYN G. POLLACK, ESQUIRE</p> <p>5 1622 Locust Street</p> <p>6 Philadelphia, Pennsylvania 19103-6305</p> <p>7 Phone: (215) 875-3000</p> <p>8 rpollack@bm.net</p> <p>9 Representing Ven-A-Care</p> <p>10</p> <p>11 WEXLER, TORISEVA & WALLACE, LLP</p> <p>12 BY: JENNIFER F. CONNOLLY, ESQUIRE</p> <p>13 One North LaSalle Street</p> <p>14 Suite 2000</p> <p>15 Chicago, Illinois 60602</p> <p>16 Phone: (312) 346-2222</p> <p>17 jfc@wtwlaw.us</p> <p>18 Representing the MDL Plaintiffs</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>
<p style="text-align: right;">Page 7</p> <p>1 APPEARANCES (Continued):</p> <p>2</p> <p>3 U.S. DEPARTMENT OF HEALTH & HUMAN</p> <p>4 SERVICES</p> <p>5 Office of Inspector General</p> <p>6 Office of Counsel to the Inspector</p> <p>7 General</p> <p>8 Administrative and Civil Remedies</p> <p>9 Branch</p> <p>10 BY: MARY RIORDAN, ESQUIRE</p> <p>11 Room 5527, Cohen Building</p> <p>12 330 Independence Avenue, S.W.</p> <p>13 Washington, D.C. 20201</p> <p>14 Phone: (202) 619-2678</p> <p>15 Mary.Riordan@oig.hhs.gov</p> <p>16 Representing the United States</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>	<p style="text-align: right;">Page 9</p> <p>1 APPEARANCES (Continued):</p> <p>2 STATE OF CALIFORNIA DEPARTMENT</p> <p>3 OF JUSTICE</p> <p>4 BUREAU OF MEDI-CAL FRAUD & ELDER ABUSE</p> <p>5 BY: NICHOLAS N. PAUL, DEPUTY</p> <p>6 ATTORNEY GENERAL</p> <p>7 CIVIL PROSECUTIONS UNIT</p> <p>8 P.O. Box 85266</p> <p>9 110 West A Street, #1100</p> <p>10 San Diego, California 92186</p> <p>11 nicholas.paul@doj.ca.gov</p> <p>12 Representing The State of California</p> <p>13</p> <p>14 THE HAVILAND LAW FIRM, LLC</p> <p>15 BY: DONALD E. HAVILAND, JR., ESQUIRE</p> <p>16 740 South Third Street</p> <p>17 Third Floor</p> <p>18 Philadelphia, Pennsylvania 19147</p> <p>19 Phone: (215) 609-4661</p> <p>20 haviland@havilandlaw.com</p> <p>21 Representing the Commonwealth of</p> <p>22 Pennsylvania</p>

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 11 Kentucky, The State of Hawaii
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Page 12

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<p style="text-align: right;">Page 14</p> <p>1 TELEPHONIC APPEARANCES (Continued):</p> <p>2</p> <p>3 KIRKLAND & ELLIS, LLP</p> <p>4 BY: JUDSON D. BROWN, ESQUIRE</p> <p>5 655 Fifteenth Street, N.W.</p> <p>6 Washington, D.C. 20005</p> <p>7 Phone: (202) 879-5082</p> <p>8 jdbrown@kirkland.com</p> <p>9 Representing Barr Laboratories, Inc.</p> <p>10</p> <p>11 DICKSTEIN SHAPIRO, LLP</p> <p>12 BY: TINA REYNOLDS, ESQUIRE</p> <p>13 1825 Eye Street, N.W.</p> <p>14 Washington, D.C. 20006</p> <p>15 Phone: (202) 420-4114</p> <p>16 ReynoldsT@dicksteinshapiro.com</p> <p>17 Representing Baxter Healthcare</p> <p>18 Corporation</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>	<p style="text-align: right;">Page 16</p> <p>1 TELEPHONIC APPEARANCES (Continued):</p> <p>2</p> <p>3 OFFICE OF THE ATTORNEY GENERAL</p> <p>4 MEDICAID FRAUD CONTROL UNIT</p> <p>5 BY: JAIME LIANG, AAG</p> <p>6 PL-01 The Capitol</p> <p>7 Tallahassee, Florida 32399-1050</p> <p>8 Phone: (850) 414-3600</p> <p>9 jaime_liang@myfloridalegal.com</p> <p>10 Representing The State of Florida</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>
<p style="text-align: right;">Page 15</p> <p>1 TELEPHONIC APPEARANCES (Continued):</p> <p>2</p> <p>3 DAVIS, POLK & WARDELL</p> <p>4 BY: CATHERINE LIFESO, ESQUIRE</p> <p>5 450 Lexington Avenue</p> <p>6 New York, New York 10017</p> <p>7 Phone: (212) 450-4452</p> <p>8 catherine.lifeso@dpw.com</p> <p>9 Representing AstraZeneca</p> <p>10 Pharmaceuticals, LP</p> <p>11</p> <p>12 HOGAN & HARTSON, LLP</p> <p>13 BY: JESSICA P. FEINGOLD, ESQUIRE</p> <p>14 875 Third Avenue</p> <p>15 New York, New York 10022</p> <p>16 Phone: (212) 918-3636</p> <p>17 jpfeingold@hhlaw.com</p> <p>18 Representing Bristol-Myers Squibb</p> <p>19 Company</p> <p>20</p> <p>21</p> <p>22</p>	<p style="text-align: right;">Page 17</p> <p>1 I N D E X</p> <p>2 - - -</p> <p>3</p> <p>4 DAVID TAWES</p> <p>5 EXAMINATION PAGE</p> <p>6 BY MR. TORBORG 24</p> <p>7</p> <p>8 - - -</p> <p>9</p> <p>10 E X H I B I T S</p> <p>11 - - -</p> <p>12 NUMBER DESCRIPTION PAGE</p> <p>13 Exhibit Abbott 121 "Cost Containment of</p> <p>14 Medicaid HIV/AIDS Drug</p> <p>15 Expenditures"</p> <p>16 July 2001 21</p> <p>17</p> <p>18 Exhibit Abbott 122 "Update: Excessive</p> <p>19 Medicare Reimbursement</p> <p>20 for Ipratropium Bromide"</p> <p>21 January 2004 21</p> <p>22 (CONTINUED)</p>

1 UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF MASSACHUSETTS

3 VOLUME II

4 -----X MDL NO. 1456

5 IN RE: PHARMACEUTICAL INDUSTRY : CIVIL ACTION:

6 AVERAGE WHOLESALE PRICE LITIGATION : 01-CV-12257-PBS

7 -----X

8 THIS DOCUMENT RELATES TO: :

9 U.S. ex rel. Ven-A-Care of the : CIVIL ACTION:

10 Florida Keys, Inc. v. Abbott : 06-CV-11337-PBS

11 Laboratories, Inc. :

12 -----X

13 IN THE CIRCUIT COURT OF

14 MONTGOMERY COUNTY, ALABAMA

15 -----X

16 STATE OF ALABAMA, : CASE NO.

17 Plaintiff, : CV-05-219

18 v. :

19 ABBOTT LABORATORIES, INC., : JUDGE

20 et al., : CHARLES PRICE

21 Defendants. :

22 -----X

<p style="text-align: right;">Page 297</p> <p>1 UNITED STATES DISTRICT COURT 2 DISTRICT OF MASSACHUSETTS 3 -----X 4 THE COMMONWEALTH OF MASSACHUSETTS : CIVIL ACTION NO. 5 Plaintiff, : 03-CV-11865-PBS 6 v. : 7 MYLAN LABORATORIES, INC., et al. : 8 Defendants. : 9 -----X 10 11 SUPERIOR COURT OF NEW JERSEY 12 UNION COUNTY 13 -----X 14 CLIFFSIDE NURSING HOME, INC., on : LAW DIVISION 15 behalf of itself and all others : DOCKET NO. 16 similarly situated, as defined : UNN-L-2329-04 17 herein, : 18 Plaintiffs, : 19 v. : 20 DEY, INC., et al. : 21 Defendants. : 22 -----X</p>	<p style="text-align: right;">Page 299</p> <p>1 IN THE CIRCUIT COURT OF THE FIRST CIRCUIT 2 STATE OF HAWAII 3 -----X 4 STATE OF HAWAII, : CASE NO. 5 Plaintiff, : 06-1-0720-04 EEH 6 v. : 7 ABBOTT LABORATORIES, INC., et al. : JUDGE EDEN 8 Defendants. : ELIZABETH HIFO 9 -----X 10 11 COMMONWEALTH OF KENTUCKY 12 FRANKLIN CIRCUIT COURT - DIV. II 13 -----X 14 COMMONWEALTH OF KENTUCKY, : CIVIL ACTION NO. 15 Plaintiff, : 03-CI-1134 16 v. : 17 ABBOTT LABORATORIES, INC., et al. : 18 Defendants. : 19 -----X 20 21 22</p>
<p style="text-align: right;">Page 298</p> <p>1 STATE OF WISCONSIN CIRCUIT COURT DANE COUNTY 2 -----X 3 STATE OF WISCONSIN, : CASE NO. 4 Plaintiff, : 04-CV-1709 5 v. : 6 AMGEN INC., et al., : 7 Defendants. : 8 -----X 9 10 IN THE COURT OF COMMON PLEAS 11 FIFTH JUDICIAL CIRCUIT 12 -----X 13 STATE OF SOUTH CAROLINA, and : STATE OF 14 HENRY D. McMASTER, in his official : SOUTH CAROLINA 15 capacity as Attorney General for : COUNTY OF 16 the State of South Carolina, : RICHLAND 17 Plaintiff, : 18 v. : CASE NO. 19 ABBOTT LABORATORIES, INC. : 2006-CP-40-4394 20 Defendant. : 21 -----X 22</p>	<p style="text-align: right;">Page 300</p> <p>1 COMMONWEALTH OF KENTUCKY 2 FRANKLIN CIRCUIT COURT - DIV. I 3 -----X 4 COMMONWEALTH OF KENTUCKY, ex rel. : CIVIL ACTION NO. 5 GREGORY D. STUMBO, Attorney General: 03-CI-1487 6 Plaintiff, : 7 v. : 8 ALPHAPHARMA, INC., et al. : 9 Defendants. : 10 -----X 11 - - - 12 13 Continuation of the videotaped 14 deposition of DAVID TAWES was taken, pursuant 15 to notice, at MORGAN LEWIS & BOCKIUS, LLP, 16 1701 Market Street, Philadelphia, 17 Pennsylvania, on Wednesday, April 25, 2007, 18 beginning at 8:09 a.m., before M. Kathleen 19 Muino, Professional Shorthand Reporter, Notary 20 Public; Richard Kanzinger, Jr., Videographer, 21 there being present: 22</p>

<p style="text-align: right;">Page 301</p> <p>1 APPEARANCES:</p> <p>2</p> <p>3 UNITED STATES DEPARTMENT OF JUSTICE</p> <p>4 CIVIL DIVISION</p> <p>5 BY: JOHN K. NEAL, ESQUIRE</p> <p>6 601 D Street, N.W.</p> <p>7 Washington, D.C. 20004</p> <p>8 Phone: (202) 307-0405</p> <p>9 John.Neal2@usdog.gov</p> <p>10 Representing the United States</p> <p>11</p> <p>12 U.S. DEPARTMENT OF JUSTICE</p> <p>13 CIVIL DIVISION</p> <p>14 BY: JUSTIN DRAYCOTT, ESQUIRE</p> <p>15 P.O. Box 261</p> <p>16 Ben Franklin Station</p> <p>17 Washington, D.C. 20044</p> <p>18 Phone: (202) 305-9300</p> <p>19 justin.draycott@usdoj.gov</p> <p>20 Representing the United States</p> <p>21</p> <p>22</p>	<p style="text-align: right;">Page 303</p> <p>1 APPEARANCES (Continued):</p> <p>2</p> <p>3 BERGER & MONTAGUE, P.C.</p> <p>4 BY: ROSLYN G. POLLACK, ESQUIRE</p> <p>5 1622 Locust Street</p> <p>6 Philadelphia, Pennsylvania 19103-6305</p> <p>7 Phone: (215) 875-3000</p> <p>8 rpollack@bm.net</p> <p>9 Representing Ven-A-Care</p> <p>10</p> <p>11 WEXLER, TORISEVA & WALLACE, LLP</p> <p>12 BY: JENNIFER F. CONNOLLY, ESQUIRE</p> <p>13 One North LaSalle Street, Suite 2000</p> <p>14 Chicago, Illinois 60602</p> <p>15 Phone: (312) 346-2222</p> <p>16 jfc@wtwlaw.us</p> <p>17 Representing the MDL Plaintiffs</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>
<p style="text-align: right;">Page 302</p> <p>1 APPEARANCES (Continued):</p> <p>2</p> <p>3 U.S. DEPARTMENT OF HEALTH & HUMAN</p> <p>4 SERVICES</p> <p>5 Office of Inspector General</p> <p>6 Office of Counsel to the Inspector</p> <p>7 General</p> <p>8 Administrative and Civil Remedies</p> <p>9 Branch</p> <p>10 BY: MARY RIORDAN, ESQUIRE</p> <p>11 BY: JENNIFER HILTON, ESQUIRE</p> <p>12 Room 5527, Cohen Building</p> <p>13 330 Independence Avenue, S.W.</p> <p>14 Washington, D.C. 20201</p> <p>15 Phone: (202) 619-2678</p> <p>16 Mary.Riordan@oig.hhs.gov</p> <p>17 Representing the United States</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>	<p style="text-align: right;">Page 304</p> <p>1 APPEARANCES (Continued):</p> <p>2 STATE OF CALIFORNIA DEPARTMENT</p> <p>3 OF JUSTICE</p> <p>4 BUREAU OF MEDI-CAL FRAUD & ELDER ABUSE</p> <p>5 BY: NICHOLAS N. PAUL, DEPUTY</p> <p>6 ATTORNEY GENERAL</p> <p>7 CIVIL PROSECUTIONS UNIT</p> <p>8 P.O. Box 85266</p> <p>9 110 West A Street, #1100</p> <p>10 San Diego, California 92186</p> <p>11 nicholas.paul@doj.ca.gov</p> <p>12 Representing The State of California</p> <p>13</p> <p>14 THE HAVILAND LAW FIRM, LLC</p> <p>15 BY: DONALD E. HAVILAND, JR., ESQUIRE</p> <p>16 740 South Third Street</p> <p>17 Third Floor</p> <p>18 Philadelphia, Pennsylvania 19147</p> <p>19 Phone: (215) 609-4661</p> <p>20 haviland@havilandlaw.com</p> <p>21 Representing the Commonwealth of</p> <p>22 Pennsylvania</p>

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<p style="text-align: right;">Page 306</p> <p>1 APPEARANCES (Continued):</p> <p>2</p> <p>3 KELLEY, DRYE & WARREN, LLP</p> <p>4 BY: SARAH L. REID, ESQUIRE</p> <p>5 BY: MARISA SZELAG, ESQUIRE</p> <p>6 101 Park Avenue</p> <p>7 New York, New York 10178</p> <p>8 Phone: (212) 808-7720</p> <p>9 sreid@kelleydrye.com</p> <p>10 Representing the Dey Company</p> <p>11</p> <p>12</p> <p>13 WHITE & CASE, LLP</p> <p>14 BY: PHILIP B. SINENENG, ESQUIRE</p> <p>15 1155 Avenue of the Americas</p> <p>16 New York, New York 10036-2787</p> <p>17 Phone: (212) 819-8411</p> <p>18 psineneng@whitecase.com</p> <p>19 Representing Sandoz</p> <p>20</p> <p>21</p> <p>22</p>	<p style="text-align: right;">Page 308</p> <p>1 TELEPHONIC APPEARANCES:</p> <p>2</p> <p>3 BEASLEY, ALLEN, CROW, METHVIN</p> <p>4 PORTIS & MILES, P.C.</p> <p>5 BY: WILLIAM H. ROBERTSON, V, ESQUIRE</p> <p>6 272 Commerce Street</p> <p>7 Post Office Box 4160</p> <p>8 Montgomery, Alabama 36103-4160</p> <p>9 Phone: (334) 269-2343</p> <p>10 bill.robertson@beasleyallen.com</p> <p>11 Representing The State of Alabama</p> <p>12</p> <p>13 HAYNSWORTH, SINKLER, BOYD, P.A.</p> <p>14 BY: SARAH P. SPRUILL, ESQUIRE</p> <p>15 1201 Main Street, 22nd Floor</p> <p>16 Columbia, South Carolina 29201</p> <p>17 Phone: (803) 540-7854</p> <p>18 sspruill@hsblawfirm.com</p> <p>19 Representing Abbott Labs.</p> <p>20</p> <p>21</p> <p>22</p>

<p style="text-align: right;">Page 309</p> <p>1 TELEPHONIC APPEARANCES (Continued):</p> <p>2</p> <p>3 KIRKLAND & ELLIS, LLP</p> <p>4 BY: JUDSON D. BROWN, ESQUIRE</p> <p>5 655 Fifteenth Street, N.W.</p> <p>6 Washington, D.C. 20005</p> <p>7 Phone: (202) 879-5082</p> <p>8 jdbrown@kirkland.com</p> <p>9 Representing Barr Laboratories, Inc.</p> <p>10</p> <p>11 DICKSTEIN SHAPIRO, LLP</p> <p>12 BY: TINA REYNOLDS, ESQUIRE</p> <p>13 1825 Eye Street, N.W.</p> <p>14 Washington, D.C. 20006</p> <p>15 Phone: (202) 420-4114</p> <p>16 ReynoldsT@dicksteinshapiro.com</p> <p>17 Representing Baxter Healthcare</p> <p>18 Corporation</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>	<p style="text-align: right;">Page 311</p> <p>1 TELEPHONIC APPEARANCES (Continued):</p> <p>2</p> <p>3 OFFICE OF THE ATTORNEY GENERAL</p> <p>4 MEDICAID FRAUD CONTROL UNIT</p> <p>5 BY: JAIME LIANG, AAG</p> <p>6 PL-01 The Capitol</p> <p>7 Tallahassee, Florida 32399-1050</p> <p>8 Phone: (850) 414-3600</p> <p>9 jaime_liang@myfloridalegal.com</p> <p>10 Representing The State of Florida</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>
<p style="text-align: right;">Page 310</p> <p>1 TELEPHONIC APPEARANCES (Continued):</p> <p>2</p> <p>3 DAVIS, POLK & WARDELL</p> <p>4 BY: CATHERINE LIFESO, ESQUIRE</p> <p>5 450 Lexington Avenue</p> <p>6 New York, New York 10017</p> <p>7 Phone: (212) 450-4452</p> <p>8 catherine.lifeso@dpw.com</p> <p>9 Representing AstraZeneca</p> <p>10 Pharmaceuticals, LP</p> <p>11</p> <p>12 HOGAN & HARTSON, LLP</p> <p>13 BY: JESSICA P. FEINGOLD, ESQUIRE</p> <p>14 875 Third Avenue</p> <p>15 New York, New York 10022</p> <p>16 Phone: (212) 918-3636</p> <p>17 jpfeingold@hhlaw.com</p> <p>18 Representing Bristol-Myers Squibb</p> <p>19 Company</p> <p>20</p> <p>21</p> <p>22</p>	<p style="text-align: right;">Page 312</p> <p>1 I N D E X</p> <p>2 - - -</p> <p>3 DAVID TAWES, VOLUME II</p> <p>4 EXAMINATION PAGE</p> <p>5 BY MR. TORBORG 315</p> <p>6 BY MS. REID 502</p> <p>7 BY MS. FEINGOLD 599</p> <p>8 - - -</p> <p>9 E X H I B I T S</p> <p>10 - - -</p> <p>11 NUMBER DESCRIPTION PAGE</p> <p>12 Exhibit Abbott 133 HHC003-0375 - 0376 315</p> <p>13</p> <p>14 Exhibit Abbott 134 HHC026-0083 334</p> <p>15</p> <p>16 Exhibit Abbott 135 HHD005-0411 391</p> <p>17</p> <p>18 Exhibit Abbott 136 HHC001-0743 -0746 408</p> <p>19</p> <p>20 Exhibit Abbott 137 HHD006-0109 - 0111 412</p> <p>21</p> <p>22 Exhibit Abbott 138 HHD006-0654 - 0674 433</p>

EXHIBIT H-6

1 UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF MASSACHUSETTS

3 -----X MDL NO. 1456

4 IN RE: PHARMACEUTICAL INDUSTRY : CIVIL ACTION:

5 AVERAGE WHOLESALE PRICE LITIGATION : 01-CV-12257-PBS

6 -----X

7 THIS DOCUMENT RELATES TO: :

8 U.S. ex rel. Ven-A-Care of the : CIVIL ACTION:

9 Florida Keys, Inc. v. Abbott : 06-CV-11337-PBS

10 Laboratories, Inc. :

11 -----X

12
13 IN THE CIRCUIT COURT OF

14 MONTGOMERY COUNTY, ALABAMA

15 -----X

16 STATE OF ALABAMA, : CASE NO.

17 Plaintiff, : CV-05-219

18 v. :

19 ABBOTT LABORATORIES, INC., : JUDGE

20 et al., : CHARLES PRICE

21 Defendants. :

22 -----X

Vladeck, Ph.D., Bruce C.

May 4, 2007

New York, NY

<p style="text-align: right;">Page 2</p> <p>1 STATE OF WISCONSIN CIRCUIT COURT DANE COUNTY</p> <p>2 -----X</p> <p>3 STATE OF WISCONSIN, : CASE NO.</p> <p>4 Plaintiff, : 04-CV-1709</p> <p>5 v. :</p> <p>6 AMGEN INC., et al., :</p> <p>7 Defendants. :</p> <p>8 -----X</p> <p>9</p> <p>10 IN THE COURT OF COMMON PLEAS</p> <p>11 FIFTH JUDICIAL CIRCUIT</p> <p>12 -----X</p> <p>13 STATE OF SOUTH CAROLINA, and : STATE OF</p> <p>14 HENRY D. McMASTER, in his official : SOUTH CAROLINA</p> <p>15 capacity as Attorney General for : COUNTY OF</p> <p>16 the State of South Carolina, : RICHLAND</p> <p>17 Plaintiff, :</p> <p>18 v. : CIVIL ACTION:</p> <p>19 MYLAN LABORATORIES, INC. : 07-CP-40-0283</p> <p>20 Defendant. :</p> <p>21 -----X</p> <p>22</p>	<p style="text-align: right;">Page 4</p> <p>1 IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS</p> <p>2 STATE OF MISSOURI</p> <p>3 -----X</p> <p>4 STATE OF MISSOURI, ex rel., :</p> <p>5 JEREMIAH W. (JAY) NIXON, :</p> <p>6 Attorney General, :</p> <p>7 and :</p> <p>8 MISSOURI DEPARTMENT OF SOCIAL :</p> <p>9 SERVICES, DIVISION OF MEDICAL : Case No.:</p> <p>10 SERVICES, : 054-1216</p> <p>11 Plaintiffs, : Division</p> <p>12 : No. 31</p> <p>13 vs. :</p> <p>14 DEY INC., DEY, L.P., MERCK KGaA, :</p> <p>15 EMD, INC., WARRICK :</p> <p>16 PHARMACEUTICALS CORPORATION, :</p> <p>17 SCHERING-PLOUGH CORPORATION, and :</p> <p>18 SCHERING CORPORATION, :</p> <p>19 Defendants. :</p> <p>20 -----X</p> <p>21</p> <p>22</p>
<p style="text-align: right;">Page 3</p> <p>1 IN THE COURT OF THE SECOND JUDICIAL CIRCUIT</p> <p>2 IN AND FOR LEON COUNTY, FLORIDA</p> <p>3 THE STATE OF FLORIDA</p> <p>4 ex rel.</p> <p>5 -----X</p> <p>6 VEN-A-CARE OF THE FLORIDA :</p> <p>7 KEYS, INC., a Florida :</p> <p>8 Corporation, by and through its :</p> <p>9 principal officers and directors, :</p> <p>10 ZACHARY T. BENTLEY and :</p> <p>11 T. MARK JONES, :</p> <p>12 Plaintiffs, :</p> <p>13 vs. : Civil Action</p> <p>14 MYLAN LABORATORIES, INC.; MYLAN : No.: 98-3032G</p> <p>15 PHARMACEUTICALS INC.; NOVOPHARM : Judge:</p> <p>16 LTD., SCHEIN PHARMACEUTICAL, INC.; : William L.</p> <p>17 TEVA PHARMACEUTICAL INDUSTRIES : Gary</p> <p>18 LTD., TEVA PHARMACEUTICAL USA; :</p> <p>19 and WATSON PHARMACEUTICALS, INC. :</p> <p>20 Defendants. :</p> <p>21 -----X</p> <p>22</p>	<p style="text-align: right;">Page 5</p> <p>1 New York, New York</p> <p>2 Friday, May 4, 2007</p> <p>3</p> <p>4</p> <p>5 Videotaped Deposition of BRUCE C.</p> <p>6 VLADECK, Ph.D., a witness herein, called for</p> <p>7 examination by counsel for Abbott Laboratories in</p> <p>8 the above-entitled matter, pursuant to Subpoena,</p> <p>9 the witness being duly sworn by JOMANNA DEROSA, a</p> <p>10 Notary Public in and for New York, taken at the</p> <p>11 offices of Jones Day, 222 East 41st Street, New</p> <p>12 York, New York, at 8:38 a.m. on Friday, May 4,</p> <p>13 2007, and the proceedings being taken down by</p> <p>14 Stenotype by JOMANNA DEROSA, and transcribed under</p> <p>15 her direction.</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>

2 (Pages 2 to 5)

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22

<p style="text-align: right;">Page 10</p> <p>1 APPEARANCES (Continued):</p> <p>2</p> <p>3 On Behalf of the MDL Plaintiffs:</p> <p>4 JENNIFER FOUNTAIN CONNOLLY, ESQ.</p> <p>5 Wexler Toriseva Wallace LLP</p> <p>6 One North LaSalle Street</p> <p>7 Suite 2000</p> <p>8 Chicago, Illinois 60602</p> <p>9 jfc@wtwlaw.us</p> <p>10 (312) 261-6195</p> <p>11</p> <p>12 On Behalf of Ven-A-Care of the</p> <p>13 Florida Keys, Inc.:</p> <p>14 JAMES JOSEPH BREEN, ESQ.</p> <p>15 The Breen Law Firm, P.A.</p> <p>16 5755 North Point Parkway</p> <p>17 Suite 39</p> <p>18 Alpharetta, Georgia 30022</p> <p>19 jbreen@breenlaw.com</p> <p>20 (770) 740-0008</p> <p>21</p> <p>22</p>	<p style="text-align: right;">Page 12</p> <p>1 APPEARANCES (Continued):</p> <p>2</p> <p>3 On Behalf of Dey, Inc.; Dey, L.P.;</p> <p>4 Mylan Laboratories, Inc.; and</p> <p>5 Mylan Pharmaceuticals, Inc.:</p> <p>6 WILLIAM A. ESCOBAR, ESQ.</p> <p>7 CLIFFORD KATZ, ESQ.</p> <p>8 Kelley Drye & Warren LLP</p> <p>9 101 Park Avenue</p> <p>10 New York, New York 10178</p> <p>11 wescobar@kelleydrye.com</p> <p>12 ckatz@kelleydrye.com</p> <p>13 (212) 808-7800</p> <p>14</p> <p>15 On Behalf of Sandoz, Inc.:</p> <p>16 WAYNE A. CROSS, ESQ.</p> <p>17 White & Case LLP</p> <p>18 1155 Avenue of the Americas</p> <p>19 New York, New York 10038-2787</p> <p>20 wcross@whitecase.com</p> <p>21 (212) 819-8797</p> <p>22</p>
<p style="text-align: right;">Page 11</p> <p>1 APPEARANCES (Continued):</p> <p>2</p> <p>3 On Behalf of Abbott Laboratories, Inc.</p> <p>4 R. CHRISTOPHER COOK, ESQ.</p> <p>5 LOUIS P. GABEL, ESQ.</p> <p>6 Jones Day</p> <p>7 51 Louisiana Avenue, Northwest</p> <p>8 Washington, D.C. 20001</p> <p>9 christophercook@jonesday.com</p> <p>10 lpgabel@jonesday.com</p> <p>11 (202) 879-3939</p> <p>12</p> <p>13 On Behalf of Roxane Laboratories and</p> <p>14 Boehringer Ingelheim:</p> <p>15 ERIC T. GORTNER, ESQ.</p> <p>16 Kirkland & Ellis, LLP</p> <p>17 200 East Randolph Drive</p> <p>18 Chicago, Illinois 60601</p> <p>19 egortner@kirkland.com</p> <p>20 (312) 861-2286</p> <p>21</p> <p>22</p>	<p style="text-align: right;">Page 13</p> <p>1 APPEARANCES (Continued):</p> <p>2</p> <p>3 On Behalf of B. Braun Medical, Inc.,</p> <p>4 Schering-Plough Corporation,</p> <p>5 Schering Corporation, and Warrick</p> <p>6 Pharmaceuticals Corporation:</p> <p>7 JOHN P. MCDONALD, ESQ.</p> <p>8 Locke Liddell & Sapp LLP</p> <p>9 2200 Ross Avenue</p> <p>10 Suite 2200</p> <p>11 Dallas, Texas 75201</p> <p>12 jpmcdonald@lockeliddell.com</p> <p>13 (214) 740-8758</p> <p>14</p> <p>15 On Behalf of Novartis Pharmaceuticals</p> <p>16 Corporation:</p> <p>17 CHRISTINE A. BRAUN, ESQ.</p> <p>18 Kaye Scholer LLP</p> <p>19 425 Park Avenue</p> <p>20 New York, New York 10022-3598</p> <p>21 cbraun@kayescholer.com</p> <p>22 (212) 836-8000</p>

<p style="text-align: right;">Page 14</p> <p>1 APPEARANCES (Continued)</p> <p>2</p> <p>3 On Behalf of Bristol-Myers Squibb:</p> <p>4 STEVEN M. EDWARDS, ESQ.</p> <p>5 Hogan & Hartson LLP</p> <p>6 875 Third Avenue</p> <p>7 New York, New York 10022</p> <p>8 smedwards@hhlaw.com</p> <p>9 (212) 918-3506</p> <p>10</p> <p>11 On Behalf of Aventis Pharmaceuticals:</p> <p>12 (by telephone)</p> <p>13 JOSEPH G. MATYE (JOE), ESQ.</p> <p>14 Shook, Hardy & Bacon LLP</p> <p>15 2555 Grand Boulevard</p> <p>16 Kansas City, Missouri 64108</p> <p>17 jmatye@shb.com</p> <p>18 (816) 559-2147</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>	<p style="text-align: right;">Page 16</p> <p>1 APPEARANCES (Continued):</p> <p>2</p> <p>3 On Behalf of Baxter Healthcare Corporation:</p> <p>4 (by telephone)</p> <p>5 MERLE M. DELANCEY, ESQ.</p> <p>6 Dickstein Shapiro LLP</p> <p>7 1825 Eye Street, Northwest</p> <p>8 Washington, D.C. 20006</p> <p>9 delanceym@dicksteinshapiro.com</p> <p>10 (202) 420-2282</p> <p>11</p> <p>12 On Behalf of Merck:</p> <p>13 (by telephone)</p> <p>14 JAMES A. GRAFFAM, ESQ.</p> <p>15 Hughes Hubbard & Reed LLP</p> <p>16 1775 I Street, N.W.</p> <p>17 Washington, D.C. 20006-2401</p> <p>18 graffam@hugheshubbard.com</p> <p>19 (202) 721-4677</p> <p>20</p> <p>21</p> <p>22</p>
<p style="text-align: right;">Page 15</p> <p>1 APPEARANCES (Continued)</p> <p>2</p> <p>3 On Behalf of Amgen, Inc.:</p> <p>4 (by telephone)</p> <p>5 STEVEN F. BARLEY, ESQ.</p> <p>6 Hogan & Hartson, LLP</p> <p>7 111 South Calvert Street</p> <p>8 Suite 1600</p> <p>9 Baltimore, Maryland 21202</p> <p>10 sfbarley@hhlaw.com</p> <p>11 (410) 659-2724</p> <p>12</p> <p>13 On Behalf of AstraZeneca</p> <p>14 Pharmaceuticals, LP:</p> <p>15 (by telephone)</p> <p>16 CATHERYN O'ROURKE, ESQ.</p> <p>17 Davis Polk & Wardwell</p> <p>18 450 Lexington Avenue</p> <p>19 New York, New York 10017</p> <p>20 catheryn.orourke@dpw.com</p> <p>21 (212) 450-4017</p> <p>22</p>	<p style="text-align: right;">Page 17</p> <p>1 APPEARANCES (Continued):</p> <p>2</p> <p>3 On Behalf of Endel:</p> <p>4 (by telephone)</p> <p>5 VICTOR RORTVEDT, ESQ.</p> <p>6 Arnold & Porter LLP</p> <p>7 555 Twelfth Street, N.W.</p> <p>8 Washington, D.C. 20004-1206</p> <p>9 victor.rortvedt@aporter.com</p> <p>10 (202) 942-5000</p> <p>11</p> <p>12 On Behalf of Johnson & Johnson:</p> <p>13 ERIK HAAS, ESQ.</p> <p>14 Patterson Belknap Webb & Tyler LLP</p> <p>15 1133 Avenue of the Americas</p> <p>16 New York, New York 10036-6710</p> <p>17 ehaas@pbwt.com</p> <p>18 (212) 336-2117</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>

Vladeck, Ph.D., Bruce C.

May 4, 2007

New York, NY

<p style="text-align: right;">Page 18</p> <p>1 APPEARANCES (Continued):</p> <p>2</p> <p>3 MICHAEL J. LORUSSO, ESQ.</p> <p>4 The Haviland Law Firm, LLC</p> <p>5 740 S. Third Street</p> <p>6 Third Floor</p> <p>7 Philadelphia, Pennsylvania 19147</p> <p>8 lorusso@havilandlaw.com</p> <p>9 (215) 609-4661</p> <p>10</p> <p>11 Also Present:</p> <p>12 MICHAEL HUNTERTON, Videographer</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>	<p style="text-align: right;">Page 20</p> <p>1 E X H I B I T S (CONTINUED)</p> <p>2 ABBOTT EXHIBIT NO. PAGE</p> <p>3 Abbott Exhibit 158-Memo dated 8/4/97 from J.</p> <p>4 Gibbs Brown to B. Vladeck,</p> <p>5 with Attachment..... 213</p> <p>6 Abbott Exhibit 159-Memo dated 8/13/96 from J.</p> <p>7 Gibbs Brown to B. Vladeck..... 226</p> <p>8 Abbott Exhibit 160-Two Binders, Ven-a-Care File</p> <p>9 R2039406 - R2040545..... 263</p> <p>10 Abbott Exhibit 161-Fax dated 12/3/96 from Z.</p> <p>11 Bentley to T. Hoyer, With</p> <p>12 Attachment..... 263</p> <p>13 Abbott Exhibit 162-Fax dated 8/13/97 from</p> <p>14 Z. Bentley to B. Vladeck,</p> <p>15 With Attachment..... 263</p> <p>16 Abbott Exhibit 163-Fax dated 7/10/97 from Z.</p> <p>17 Bentley, et al., to B. Vladeck 263</p> <p>18 Abbott Exhibit 164-Letter date-stamped 12/17/96</p> <p>19 from K. Buto to M. Jones..... 267</p> <p>20 Abbott Exhibit 165-Article from Wall Street</p> <p>21 Journal..... 282</p> <p>22</p>
<p style="text-align: right;">Page 19</p> <p>1 C O N T E N T S</p> <p>2 THE WITNESS: BRUCE C. VLADECK, Ph.D. PAGE</p> <p>3 Examination By Mr. Cook..... 034</p> <p>4</p> <p>5</p> <p>6 E X H I B I T S</p> <p>7 ABBOTT EXHIBIT NO. PAGE</p> <p>8 Abbott Exhibit 151-Cross-Notices..... 255</p> <p>9 Abbott Exhibit 152-Curriculum Vitae of B. Vladeck 070</p> <p>10 Abbott Exhibit 153-42 Code of Federal Regulations</p> <p>11 Section 405.517..... 108</p> <p>12 Abbott Exhibit 154-Article..... 122</p> <p>13 Abbott Exhibit 155-Excerpt from the published</p> <p>14 record of hearings before</p> <p>15 the Committee on Finance,</p> <p>16 2/13/97; 2/27/97; 3/4/97;</p> <p>17 and 3/5/97..... 131</p> <p>18 Abbott Exhibit 156-Weekly Radio address to</p> <p>19 Nation by President Clinton</p> <p>20 on 12/13/97..... 134</p> <p>21 Abbott Exhibit 157-Summary of Expected Testimony</p> <p>22 of B. Vladeck..... 213</p>	<p style="text-align: right;">Page 21</p> <p>1 THE VIDEOGRAPHER: Good morning. This</p> <p>2 is the videotaped deposition of Dr. Bruce</p> <p>3 Vladeck, taken by the defendant party in the</p> <p>4 matter of In re Pharmaceutical Average Wholesale</p> <p>5 Price Litigation, MDL No. 1456, Civil Action No.</p> <p>6 01-CV-12257-PBS, before the United States</p> <p>7 District Court for the District of Massachusetts.</p> <p>8 The date is May 4th, 2007, and this</p> <p>9 deposition is being held at Jones Day Reavis &</p> <p>10 Pogue, 222 East 41st Street, New York, New York.</p> <p>11 The time on the monitor is 8:38 a.m.</p> <p>12 My name is Michael Hunterton, and I am</p> <p>13 the certified videographer associated with the</p> <p>14 firm of Henderson Legal Services, at 1015 15th</p> <p>15 Street, Northwest, in Washington, D.C.</p> <p>16 The court reporter today is Jo DeRosa,</p> <p>17 associated with the same firm.</p> <p>18 Will counsel at the table please</p> <p>19 introduce themselves for the record, starting</p> <p>20 with the taking party, please.</p> <p>21 MR. COOK: Christopher Cook and Lou</p> <p>22 Gabel of Jones Day, representing Abbott</p>

6 (Pages 18 to 21)

EXHIBIT I



**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE: PHARMACEUTICAL INDUSTRY	)	MDL NO. 1456
AVERAGE WHOLESALE PRICE)	
LITIGATION	)	CIVIL ACTION: 01-CV-12257-PBS
)	
	)	Judge Patti B. Saris
THIS DOCUMENT RELATES TO)	
<i>U.S. ex rel. Ven-A-Care of the Florida Keys,</i>	)	Chief Magistrate Judge Marianne B. Bowler
<i>Inc. v. Abbott Laboratories, Inc.,</i>)	
No. 06-CV-11337-PBS)	

NOTICE OF DEPOSITION OF MARIANNE BOWEN

PLEASE TAKE NOTICE that, pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure, Abbott Laboratories, by its undersigned attorneys, will take the deposition of Marianne Bowen. Ms. Bowen has been designated by the United States to testify regarding the identity and location of all electronic documents referenced in Abbott's January 30, 2007 Amended Notice of Deposition and all actions and efforts taken to retain and/or destroy such documents.

The deposition will take place before a notary public, or any other officer authorized to administer oaths, at the office of Hogan & Hartson LLP, 111 South Calvert St., Baltimore, MD, on June 5, 2007 beginning at 9:30 a.m. and continuing on successive days as necessary. Such deposition will be recorded by stenographic and/or sound and visual means.

The deposition is being taken for the purposes of discovery, for use at trial, and for such other purposes as permitted under the Federal Rules of Civil Procedure.

Dated: May 18, 2007

/s/ R. Christopher Cook
James R. Daly
Tina M. Tabacchi
Brian J. Murray
JONES DAY
77 West Wacker Drive, Suite 3500
Chicago, Illinois 60601
Telephone: (312) 782-3939
Facsimile: (312) 782-8585

R. Christopher Cook
David S. Torborg
JONES DAY
51 Louisiana Avenue, N.W.
Washington, D.C. 20001-2113
Telephone: (202) 879-3939
Facsimile: (202) 626-1700

Counsel for Defendant Abbott Laboratories, Inc.

CERTIFICATE OF SERVICE

I, R. Christopher Cook, an attorney, hereby certify that I caused a true and correct copy of the foregoing NOTICE OF DEPOSITION OF MARIANNE BOWEN to be served upon all counsel of record electronically by causing same to be posted via LexisNexis, this 18th day of May, 2007.

/s/ R. Christopher Cook
R. Christopher Cook

EXHIBIT I-1

1 UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF MASSACHUSETTS

3 - - - - -x

4 IN RE: PHARMACEUTICAL : MDL NO. 1456

5 INDUSTRY AVERAGE WHOLESALE : CIVIL ACTION:

6 PRICE LITIGATION : 01-CV-12257-PBS

7 THIS DOCUMENT RELATES TO :

8 U.S. ex rel. Ven-a-Care of : Judge Patti B. Saris

9 the Florida Keys, Inc. v. :

10 Abbott Laboratories, Inc., : Chief Magistrate

11 No. 06-CV-11337-PBS : Judge Marianne B.

12 - - - - -x Bowler

13 IN THE CIRCUIT COURT OF

14 MONTGOMERY COUNTY, ALABAMA

15 - - - - -x

16 STATE OF ALABAMA, :

17 Plaintiff, :

18 vs. : Case No.: CV-05-219

19 ABBOTT LABORATORIES, INC., : Judge Charles Price

20 et al., :

21 Defendants.:

22 - - - - -x

Bowen, Marianne

June 5, 2007

Baltimore, MD

<p style="text-align: right;">Page 2</p> <p>1 IN THE COURT OF THE SECOND JUDICIAL CIRCUIT</p> <p>2 IN AND FOR LEON COUNTY, FLORIDA</p> <p>3</p> <p>4 THE STATE OF FLORIDA</p> <p>5 ex rel.</p> <p>6 ----- x</p> <p>7 VEN-A-CARE OF THE FLORIDA :</p> <p>8 KEYS, INC., a Florida :</p> <p>9 Corporation, by and through its :</p> <p>10 principal officers and directors, :</p> <p>11 ZACHARY T. BENTLEY and :</p> <p>12 T. MARK JONES, :</p> <p>13 Plaintiffs, :</p> <p>14 vs. : Civil Action</p> <p>15 MYLAN LABORATORIES INC.; MYLAN : No.: 98-3032G</p> <p>16 PHARMACEUTICALS INC.; NOVOPHARM : Judge: William</p> <p>17 LTD., SCHEIN PHARMACEUTICAL, INC.; : L. Gary</p> <p>18 TEVA PHARMACEUTICAL INDUSTRIES :</p> <p>19 LTD., TEVA PHARMACEUTICAL USA; :</p> <p>20 and WATSON PHARMACEUTICALS, INC., :</p> <p>21 Defendants, :</p> <p>22 ----- x</p>	<p style="text-align: right;">Page 4</p> <p>1 Videotaped Deposition of MARIANNE BOWEN,</p> <p>2 a witness herein, called for examination by counsel</p> <p>3 for Abbott Laboratories in the above-entitled</p> <p>4 matter, pursuant to notice, the witness being duly</p> <p>5 sworn by Robert M. Jakupciak, a Notary Public in and</p> <p>6 for the District of Columbia, taken at the offices</p> <p>7 of Hogan & Hartson, 111 S. Calvert Street,</p> <p>8 Baltimore, Maryland, 21201, at 9:30 a.m., on June 5,</p> <p>9 2007, and the proceedings being taken down by</p> <p>10 Stenotype by Robert M. Jakupciak, RPR.</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>
<p style="text-align: right;">Page 3</p> <p>1 IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS</p> <p>2 STATE OF MISSOURI</p> <p>3 ----- x</p> <p>4 STATE OF MISSOURI, ex rel., :</p> <p>5 JEREMIAH W. (JAY) NIXON, :</p> <p>6 Attorney General, :</p> <p>7 and :</p> <p>8 MISSOURI DEPARTMENT OF SOCIAL :</p> <p>9 SERVICES, DIVISION OF MEDICAL : Case No.:</p> <p>10 SERVICES, : 054-1216</p> <p>11 Plaintiffs, : Division No. 31</p> <p>12 vs. :</p> <p>13 DEY INC., DEY, L.P., MERCK KGaA, :</p> <p>14 EMD, INC., WARRICK :</p> <p>15 PHARMACEUTICALS CORPORATION, :</p> <p>16 SCHERING-PLOUGH CORPORATION, and :</p> <p>17 SCHERING CORPORATION, :</p> <p>18 Defendants, :</p> <p>19 ----- x</p> <p>20</p> <p>21</p> <p>22</p>	<p style="text-align: right;">Page 5</p> <p>1 APPEARANCES:</p> <p>2</p> <p>3 On behalf of the United States of America:</p> <p>4</p> <p>5 ANA MARIA MARTINEZ, ESQUIRE</p> <p>6 U.S. Department of Justice</p> <p>7 99 N.E. 4th Street</p> <p>8 Miami, Florida 33132</p> <p>9 (305) 961-9431</p> <p>10</p> <p>11 On behalf of the Centers for Medicare and</p> <p>12 Medicaid Services:</p> <p>13</p> <p>14 LESLIE M. STAFFORD, ESQUIRE</p> <p>15 Centers for Medicare and</p> <p>16 Medicaid Services</p> <p>17 7500 Security Blvd.</p> <p>18 Baltimore, Maryland 21244</p> <p>19 (410) 786-9655</p> <p>20</p> <p>21</p> <p>22 (CONTINUED)</p>

2 (Pages 2 to 5)

Bowen, Marianne

June 5, 2007

Baltimore, MD

<p style="text-align: right;">Page 6</p> <p>1 APPEARANCES: (CONTINUED)</p> <p>2</p> <p>3 On behalf of Abbott Laboratories:</p> <p>4</p> <p>5 HILARY A. RAMSEY, ESQUIRE</p> <p>6 R. CHRISTOPHER COOK, ESQUIRE</p> <p>7 Jones Day</p> <p>8 51 Louisiana Avenue, N.W.</p> <p>9 Washington, D.C. 20001</p> <p>10 (202) 879-3939</p> <p>11</p> <p>12 (The following attorneys present by phone.)</p> <p>13</p> <p>14 On behalf of Dey Companies and Mylan:</p> <p>15</p> <p>16 MARISA A. SZELAG, ESQUIRE</p> <p>17 Kelley Drye & Warren LLP</p> <p>18 101 Park Avenue</p> <p>19 New York, New York 10178</p> <p>20 (212) 808-7697</p> <p>21</p> <p>22 (CONTINUED)</p>	<p style="text-align: right;">Page 8</p> <p>1 C O N T E N T S</p> <p>2</p> <p>3 THE WITNESS: MARIANNE BOWEN PAGE</p> <p>4 Examination By Ms. Ramsey..... 011</p> <p>5 Examination By Ms. Szelag..... 280</p> <p>6</p> <p>7</p> <p>8 E X H I B I T S</p> <p>9 NUMBER DESCRIPTION PAGE</p> <p>10 Exhibit Abbott 222-Amended Notice of</p> <p>11 Deposition..... 022</p> <p>12 Exhibit Abbott 223-Notice of Deposition of</p> <p>13 Marianne Bowen..... 022</p> <p>14 Exhibit Abbott 224-Chart..... 200</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>
<p style="text-align: right;">Page 7</p> <p>1 APPEARANCES: (CONTINUED)</p> <p>2</p> <p>3 On behalf of Baxter Healthcare Corporation:</p> <p>4</p> <p>5 TINA DUCHARME REYNOLDS, ESQUIRE</p> <p>6 Dickstein Shapiro LLP</p> <p>7 1825 Eye Street, N.W.</p> <p>8 Washington, D.C. 20006</p> <p>9 (202) 420-4114</p> <p>10</p> <p>11 On behalf of KMS New York Counties:</p> <p>12</p> <p>13 MICHAEL WINGET-HERNANDEZ, ESQUIRE</p> <p>14 Winget-Hernandez, LLC</p> <p>15 3112 Windsor Road, #228</p> <p>16 Austin, Texas 78703</p> <p>17</p> <p>18</p> <p>19</p> <p>20 Also Present</p> <p>21 Videographer: Rick Sanborn</p> <p>22</p>	<p style="text-align: right;">Page 9</p> <p>1 Whereupon,</p> <p>2 VIDEOGRAPHER: This begins videotape</p> <p>3 number one in the deposition of Marianne Bowen in</p> <p>4 Re: Pharmaceutical Industry Average Wholesale</p> <p>5 Price Litigation; MDL Number 1456; Civil Action</p> <p>6 Number 01-CV-12257-PBS, filed in the United</p> <p>7 States District Court for the District of</p> <p>8 Massachusetts.</p> <p>9 Today's date is June 5th, 2007. The</p> <p>10 time is 9:42 a.m. This deposition is being held</p> <p>11 at the offices of Hogan & Hartson, 111 South</p> <p>12 Calvert Street, Baltimore, Maryland. The court</p> <p>13 reporter today is Robert Jakupciak. The video</p> <p>14 camera operator is Rick Sanborn. Both are on</p> <p>15 behalf of Henderson Legal Services.</p> <p>16 Will counsel please introduce</p> <p>17 themselves and state who they represent.</p> <p>18 MS. RAMSEY: Hilary Ramsey, I'm from</p> <p>19 the law firm of Jones Day and we represent Abbott</p> <p>20 Laboratories in this matter.</p> <p>21 MR. COOK: Christopher Cook, from Jones</p> <p>22 Day.</p>

3 (Pages 6 to 9)

EXHIBIT J



**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE
LITIGATION

)
)
) MDL No. 1456
)

) Civil Action No. 01-12257-PBS
)

THIS DOCUMENT RELATES TO:

) Judge Patti B. Saris
)

ALL ACTIONS ¹

) Magistrate Judge Marianne B. Bowler
)
)

CROSS-NOTICE OF DEPOSITION OF KATHLEEN BUTO

PLEASE TAKE NOTICE that, pursuant to Rule 30 of the Federal Rules of Civil Procedure, Schering Corporation ("Schering"), Schering Plough Corporation ("Schering Plough"), and Warrick Pharmaceuticals Corporation ("Warrick")² hereby cross-notice the deposition of Kathleen Buto for purposes of all cases pending in MDL No. 1456.

On September 4, 2007, attorneys for Abbott Laboratories, Inc. noticed the deposition of Ms. Buto for purposes of *U.S. ex rel. Ven-A-Care of the Florida Keys, Inc. v. Abbott Laboratories, Inc.*, No. 06-CV-11337-PBS, a matter that is currently a part of MDL No. 1456. This notice is attached hereto. Through this cross-notice, counsel are hereby informed that the deposition of Ms. Buto will also be proceeding for purposes of all other cases pending in MDL No. 1456, to the extent permitted under the Federal Rules of Civil Procedure, Court order, and any other applicable rules.

¹ As explained herein, this cross-notice regards all actions pending in MDL No. 1456, to the extent permitted under the Federal Rules of Civil Procedure, Court order, and any other applicable rules.

² This cross-notice, which is being served for purposes of a number of actions pending in MDL No. 1456, is only served in a particular action on behalf of those entities that have appeared, been named, and been served in that particular action. To the extent that Schering, Schering Plough, or Warrick have not appeared, been served, or been named in a particular action, this notice does not constitute an appearance, consent to service, or consent to joinder

The deposition will take place before a notary public, or any other officer authorized to administer oaths, at Jones Day, 51 Louisiana Ave. N.W., Washington, D.C. on September 12 and 13, 2007 beginning at 9:00 a.m. and continuing on successive days as necessary. The attached subpoena *duces tecum* directs the witness to appear for the deposition and produce certain documents. The deposition will be taken upon cross-examination.

Such deposition will be recorded by stenographic and/or sound and visual means. The deposition is being taken for the purposes of discovery, for use at trial, and for such other purposes as permitted under the Federal Rules of Civil Procedure, Court order, and any other applicable rules.

By attorneys,

/s/ Jobe G. Danganan

John T. Montgomery (BBO#352220)

Steven A. Kaufman (BBO#262230)

Daniel J. Bennett (BBO#663324)

Jobe G. Danganan (BBO#660446)

Ropes & Gray LLP

One International Place

Boston, Massachusetts 02110-2624

(617) 951-7000

*Attorneys for Schering Corporation, Schering-
Plough Corporation, and Warrick
Pharmaceuticals Corporation*

Dated: September 10, 2007

by Schering, Schering Plough, or Warrick, respectively, in that action. Schering, Schering Plough, and Warrick also do not waive any objection regarding jurisdiction or other defenses, where applicable.

CERTIFICATE OF SERVICE

I hereby certify that on September 10, 2007, I caused a true and correct copy of the foregoing to be served on all counsel of record by electronic service pursuant to Case Management Order No. 2 entered by the Honorable Patti B. Saris in MDL 1456.

/s/ Jobe G. Danganan
Jobe G. Danganan

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE: PHARMACEUTICAL INDUSTRY	)	MDL NO. 1456
AVERAGE WHOLESALE PRICE)	
LITIGATION	)	CIVIL ACTION: 01-CV-12257-PBS
)	
	)	Judge Patti B. Saris
THIS DOCUMENT RELATES TO)	
<i>U.S. ex rel. Ven-A-Care of the Florida Keys,</i>	)	Chief Magistrate Judge Marianne B. Bowler
<i>Inc. v. Abbott Laboratories, Inc., et al.</i>)	
No. 06-CV-11337-PBS)	

NOTICE OF DEPOSITION OF KATHLEEN BUTO

PLEASE TAKE NOTICE that, pursuant to Rule 30(b)(1) of the Federal Rules of Civil Procedure, Abbott Laboratories, Inc. ("Abbott") by its undersigned attorneys, will take the deposition of Kathleen Buto.

The deposition will take place before a notary public, or any other officer authorized to administer oaths, at Jones Day, 51 Louisiana Ave. N.W., Washington, D.C. on September 12 and 13, 2007 beginning at 9:00 a.m. and continuing on successive days as necessary. The attached subpoena *duces tecum* directs the witness to appear for deposition and produce certain documents. The deposition will be taken upon cross-examination.

Such deposition will be recorded by stenographic and/or sound and visual means. The deposition is being taken for the purposes of discovery, for use at trial, and for such other purposes as permitted under the Federal Rules of Civil Procedure.

Dated: September 4, 2007

/s/ David S. Torborg

James R. Daly

Tina M. Tabacchi

Brian J. Murray

JONES DAY

77 West Wacker Drive, Suite 3500

Chicago, Illinois 60601

Telephone: (312) 782-3939

Facsimile: (312) 782-8585

R. Christopher Cook

David S. Torborg

JONES DAY

51 Louisiana Avenue, N.W.

Washington, D.C. 20001-2113

Telephone: (202) 879-3939

Facsimile: (202) 626-1700

Counsel for Defendant Abbott Laboratories, Inc.

CERTIFICATE OF SERVICE

I, David S. Torborg, an attorney, hereby certify that I caused a true and correct copy of the foregoing NOTICE OF DEPOSITION OF KATHLEEN BUTO to be served upon all counsel of record electronically by causing same to be posted via LexisNexis, this 4th day of September, 2007.

/s/ David S. Torborg
David S. Torborg

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

IN RE: PHARMACEUTICAL INDUSTRY AVERAGE WHOLESALE PRICE LITIGATION THIS DOCUMENT RELATES TO <i>U.S. ex rel. Ven-A-Care of the Florida Keys, Inc. v. Abbott Laboratories, Inc., et al.</i>	Pending in:
	UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS
	MDL NO. 1456
	Civil Action No. 06-CV-11337-PBS Lead Case No. 01-CV-12257-PBS
	Judge Patti B. Saris Chief Magistrate Judge Marianne B. Bowler

SUBPOENA DUCES TECUM

TO: Kathleen Buto
Care of:
Erik Haas, Esq.
Patterson Belknap Webb & Tyler LLP
1133 Avenue of the Americas
New York, New York 10036

☐ YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

☒ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

Jones Day
51 Louisiana Ave. N.W.
Washington, D.C. 20001

DATE AND TIME

September 12 and 13, 2007 at
9:00 AM

☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

Please see attached Exhibit A

PLACE

DATE AND TIME

☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR
DEFENDANT)

David S. Torborg
Attorney for Defendant Abbott Laboratories, Inc.

DATE

September 4, 2007

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER: David S. Torborg, Esq., Jones Day, 51 Louisiana Ave., N.W., Washington, D.C. 20001, (202) 879-3939

(See Rule 45, Federal Rules of Civil Procedure, Parts C & D on Reverse)

(C) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d) (2) of this rule, a person commanded to produce and permit inspection and copying may within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party service the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c) (3) (B) (iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or
- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
- (iv) subjects a person to undue burden.

(B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
- (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

EXHIBIT A

Documents Requested

1. A copy of your most current resume.
2. A copy of any and all Documents in your personal possession relating in any way to the pricing of drugs and/or the administration or dispensing of drugs under Medicare or Medicaid.
3. A copy of any and all Documents in your personal possession concerning the use of AWP or WAC by the Medicare or Medicaid programs for the reimbursement of drugs and/or the administration or dispensing of drugs.
4. A copy of any and all Documents in your personal possession concerning communications with Ven-A-Care of the Florida Keys, Inc., Centers for Medicare and Medicaid Services ("CMS") (including the office of the General Counsel), and/or any party which is a plaintiff in any litigation relating to AWP, WAC, and/or the pricing of drugs under Medicare or Medicaid.
5. A copy of any and all Documents in your personal possession concerning communications with the Department of Justice ("DOJ") or CMS regarding limitations on communications with any party which is a defendant in any litigation relating to AWP, WAC, and/or the pricing of drugs under Medicare or Medicaid.

Definitions

1. "AWP" or "Average Wholesale Price" means any figures so categorized and periodically published by any Publisher.
2. "Concern," "concerning," "relating to," or "relate to" means refer to, regard, concern, describe, explain, state, evidence, record, constitute, pertain to, reflect, comprise, contain, embody, mention, show, support, contradict, and discuss, whether directly or indirectly, as required by the context to bring within the scope of the requests in this request for production of documents any documents that might be deemed outside their scope by another construction.
3. "Documents" means all original written, recorded, or graphic matters whatsoever, and any and all non-identical copies thereof, including but not limited to advertisements, affidavits, agreements, analyses, applications, appointment books, bills, binders, books, books of account, brochures, calendars, charts, checks or other records of payment, communications, computer printouts, computer stores data, conferences, or other meetings, contracts, correspondence, diaries, electronic mail, evaluations, facsimiles, files, filings, folders, forms, interviews, invoices, jottings, letters, lists, manuals, memoranda, microfilm or other data

compilations from which information can be derived, minutes, notations, notebooks, notes, opinions, pamphlets, papers, photocopies, photographs or other visual images, policies, recordings of telephone or other conversations, records, reports, resumes, schedules, scraps of paper, statements, studies, summaries, tangible things, tapes, telegraphs, telephone logs, telex messages, transcripts, website postings, and work papers, which are in the possession of the Carrier as defined above. A draft or non-identical copy is a separate document within the meaning of this term.

4. "WAC" means "Wholesale Acquisition Cost."

EXHIBIT J-1

Washington, DC

Page 1

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MASSACHUSETTS

IN RE: PHARMACEUTICAL) MDL NO. 1456
INDUSTRY AVERAGE WHOLESALE) CIVIL ACTION
PRICE LITIGATION) 01-CV-12257-PBS

THIS DOCUMENT RELATES TO)
U.S. ex rel. Ven-a-Care of) Judge Patti B.
the Florida Keys, Inc.) Saris

v.) Chief Magistrate
Abbott Laboratories, Inc.,) Judge Marianne B.
No. 06-CV-11337-PBS) Bowler

(captions continue on following pages)

Videotaped deposition of Kathleen Buto

Volume I

Washington, D.C.

Wednesday, September 12, 2007

9:00 a.m.

Buto, Kathleen

September 12, 2007

Washington, DC

Page 2

1 IN THE CIRCUIT COURT OF
 2 MONTGOMERY COUNTY, ALABAMA
 3 -----
 4 STATE OF ALABAMA,)
 5 Plaintiff,) Case No.
 6 vs.) CV-05-219
 7 ABBOTT LABORATORIES, INC.,) Judge Charles
 8 et al.,) Price
 9 Defendants.)
 10 -----
 11
 12
 13 STATE OF WISCONSIN CIRCUIT COURT
 14 DANE COUNTY
 15 -----
 16 STATE OF WISCONSIN,)
 17 Plaintiff,)
 18 vs.) CASE NO.
 19 AMGEN INC., et al.,) 04-CV-1709
 20 Defendants.)
 21 -----
 22

Page 3

1 UNITED STATES DISTRICT COURT
 2 DISTRICT OF MASSACHUSETTS
 3 -----
 4 THE COMMONWEALTH OF MASSACHUSETTS,)
 5 Plaintiff,)
 6 vs.) Civil Action No.
 7 MYLAN LABORATORIES, INC., et al.) 03-CV-11865-PBS
 8 Defendants.)
 9 -----
 10
 11 SUPERIOR COURT OF NEW JERSEY
 12 UNION COUNTY
 13 -----
 14 CLIFFSIDE NURSING HOME, INC., on)
 15 behalf of itself and all others)
 16 similarly situated, as defined)
 17 herein,) LAW DIVISION
 18 Plaintiffs,) DOCKET NO.
 19 vs.) UNN-L-2329-04
 20 DEY, INC., et al.,)
 21 Defendants.)
 22 -----

Page 4

1 IN THE COURT OF COMMON PLEAS
 2 FIFTH JUDICIAL CIRCUIT
 3 -----
 4 STATE OF SOUTH CAROLINA, and) STATE OF
 5 HENRY D. McMASTER, in his official) SOUTH CAROLINA
 6 capacity as Attorney General for) COUNTY OF
 7 the State of South Carolina,) RICHLAND
 8 Plaintiffs,)
 9 vs.) Civil Action No.
 10 WARRICK PHARMACEUTICALS) 2006-CP-40-4390
 11 CORPORATION, et al.,) 2006-CP-40-4399
 12 Defendants.)
 13 -----
 14 STATE OF SOUTH CAROLINA, and) STATE OF
 15 HENRY D. McMASTER, in his official) SOUTH CAROLINA
 16 capacity as Attorney General for) COUNTY OF
 17 the State of South Carolina,) RICHLAND
 18 Plaintiffs,)
 19 vs.) Case No.
 20 ABBOTT LABORATORIES, INC.) 2006-CP-40-4394
 21 Defendant.)
 22 -----

Page 5

1 IN THE COURT OF COMMON PLEAS
 2 FIFTH JUDICIAL CIRCUIT
 3 -----
 4 STATE OF SOUTH CAROLINA, and) STATE OF
 5 HENRY D. McMASTER, in his official) SOUTH CAROLINA
 6 capacity as Attorney General for) COUNTY OF
 7 the State of South Carolina,) RICHLAND
 8 Plaintiffs,)
 9 vs.) Civil Action No.
 10 PAR PHARMACEUTICALS COMPANIES,) 2006-CP-40-7151
 11 INC.,) 2006-CP-40-7153
 12 Defendant.)
 13 -----
 14 STATE OF SOUTH CAROLINA, and) STATE OF
 15 HENRY D. McMASTER, in his official) SOUTH CAROLINA
 16 capacity as Attorney General for) COUNTY OF
 17 the State of South Carolina,) RICHLAND
 18 Plaintiffs,)
 19 vs.) Civil Action No.
 20 MYLAN LABORATORIES INC.) 2007-CP-40-0282
 21 Defendant.) 2007-CP-40-0283
 22 -----

2 (Pages 2 to 5)

Buto, Kathleen

September 12, 2007

Washington, DC

<p style="text-align: right;">Page 6</p> <p>1 IN THE COURT OF COMMON PLEAS</p> <p>2 FIFTH JUDICIAL CIRCUIT</p> <p>3 -----</p> <p>4 STATE OF SOUTH CAROLINA, and) STATE OF</p> <p>5 HENRY D. McMASTER, in his official) SOUTH CAROLINA</p> <p>6 capacity as Attorney General for) COUNTY OF</p> <p>7 the State of South Carolina,) RICHLAND</p> <p>8 Plaintiffs,)</p> <p>9 vs.) Civil Action No.</p> <p>10 BARR PHARMACEUTICALS, INC.,) 2007-CP-40-0280</p> <p>11 Defendant.) 2007-CP-40-0286</p> <p>12 -----</p> <p>13 IN THE CIRCUIT COURT OF THE FIRST CIRCUIT</p> <p>14 STATE OF HAWAII</p> <p>15 -----</p> <p>16 STATE OF HAWAII,)</p> <p>17 Plaintiff,) Case No.</p> <p>18 vs.) 06-1-0720-04 EEH</p> <p>19 ABBOTT LABORATORIES, INC.,)</p> <p>20 et al.,) JUDGE EDEN</p> <p>21 Defendants.) ELIZABETH HIFO</p> <p>22 -----</p>	<p style="text-align: right;">Page 8</p> <p>1 IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS</p> <p>2 STATE OF MISSOURI</p> <p>3 -----</p> <p>4 STATE OF MISSOURI, ex rel.,)</p> <p>5 JEREMIAH W. (JAY) NIXON, Attorney)</p> <p>6 General, and MISSOURI DEPARTMENT)</p> <p>7 OF SOCIAL SERVICES, DIVISION OF)</p> <p>8 MEDICAL SERVICES,)</p> <p>9 Plaintiffs,) Case No.</p> <p>10 vs.) 054-1216</p> <p>11 DEY INC., DEY, L.P., MERCK KGaA,) Division No. 31</p> <p>12 EMD, INC., WARRICK)</p> <p>13 PHARMACEUTICALS CORPORATION,)</p> <p>14 SCHERING-PLOUGH CORPORATION, and)</p> <p>15 SCHERING CORPORATION,)</p> <p>16 Defendants.)</p> <p>17 -----</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>
<p style="text-align: right;">Page 7</p> <p>1 IN THE COURT OF THE SECOND JUDICIAL CIRCUIT</p> <p>2 IN AND FOR LEON COUNTY, FLORIDA</p> <p>3 THE STATE OF FLORIDA</p> <p>4 ex rel.</p> <p>5 -----</p> <p>6 VEN-A-CARE OF THE FLORIDA KEYS,)</p> <p>7 INC., a Florida Corporation, by and)</p> <p>8 through its principal officers and)</p> <p>9 directors, ZACHARY T. BENTLEY and)</p> <p>10 T. MARK JONES,)</p> <p>11 Plaintiffs,) Civil Action No.</p> <p>12 vs.) 98-3032G</p> <p>13 MYLAN LABORATORIES INC.; MYLAN)</p> <p>14 PHARMACEUTICALS INC.; NOVOPHARM) Judge William</p> <p>15 LTD., SCHEIN PHARMACEUTICAL, INC.;) L. Gary</p> <p>16 TEVA PHARMACEUTICAL INDUSTRIES)</p> <p>17 LTD.; TEVA PHARMACEUTICAL USA; and)</p> <p>18 WATSON PHARMACEUTICALS, INC.,)</p> <p>19 DEFENDANTS.)</p> <p>20 -----</p> <p>21</p> <p>22</p>	<p style="text-align: right;">Page 9</p> <p>1 COMMONWEALTH OF KENTUCKY</p> <p>2 FRANKLIN CIRCUIT COURT - DIV. II</p> <p>3 -----</p> <p>4 COMMONWEALTH OF KENTUCKY,)</p> <p>5 Plaintiff,) Civil Action No.</p> <p>6 vs.) 03-CI-1134</p> <p>7 ABBOTT LABORATORIES, INC., et al.,)</p> <p>8 Defendants.)</p> <p>9 -----</p> <p>10</p> <p>11</p> <p>12 COMMONWEALTH OF KENTUCKY</p> <p>13 FRANKLIN CIRCUIT COURT - DIV. I</p> <p>14 -----</p> <p>15 COMMONWEALTH OF KENTUCKY, ex rel.)</p> <p>16 GREGORY D. STUMBO, Attorney General)</p> <p>17 Plaintiff,) Civil Action No.</p> <p>18 vs.) 04-CI-1487</p> <p>19 ALPHAPHARMA, INC., et al.,)</p> <p>20 Defendants.)</p> <p>21 -----</p> <p>22</p>

3 (Pages 6 to 9)

Buto, Kathleen

September 12, 2007

Washington, DC

<p style="text-align: right;">Page 10</p> <p>1 Washington, D.C. 2 Wednesday, September 12, 2007 3 9:00 a.m. 4 5 Videotaped deposition of KATHLEEN BUTO, 6 called for examination by counsel for Abbott 7 Laboratories in the above-entitled matter, pursuant 8 to subpoena, taken at the law offices of Jones Day, 9 51 Louisiana Avenue, N.W., Washington, D.C. 10 20001-2113, before Jonathan Wonnell, a Registered 11 Professional Court Reporter, the witness being duly 12 sworn by Rick Sanborn, a Notary Public of the 13 District of Columbia. 14 15 16 17 18 19 20 21 22</p>	<p style="text-align: right;">Page 12</p> <p>1 A P P E A R A N C E S (Cont'd) 2 3 On behalf of the State of California: 4 5 NICHOLAS N. PAUL, ESQ. (via phone) 6 Supervising Deputy Attorney General 7 Civil Prosecutions Unit 8 P.O. Box 85266 9 110 West A Street, #1100 10 San Diego, California 82186 11 (619)-688-6099 12 nicholas.paul@doj.ca.gov 13 14 On behalf of the State of Florida: 15 16 MARY S. MILLER, ESQ. (via phone) 17 Office of the Attorney General of 18 Florida 19 PL-01, The Capitol 20 Tallahassee, Florida 32399-1050 21 (850) 414-3600 22 mary_miller@oag.state.fl.us</p>
<p style="text-align: right;">Page 11</p> <p>1 A P P E A R A N C E S O F C O U N S E L 2 3 On behalf of the United States of America: 4 5 JUSTIN DRAYCOTT, ESQ. 6 U.S. Department of Justice 7 Civil Division 8 P.O. Box 261, Ben Franklin Station 9 Washington, D.C. 20044 10 (202) 305-9300 11 justin.draycott@usdoj.gov 12 13 On behalf of the U.S. Department of Health 14 and Human Services: 15 16 BRIAN A. KELLEY, ESQ. 17 U.S. Department of Health & Human 18 Services 19 Office of General Counsel, CMS Division 20 330 Independence Avenue, S.W., Room 5345 21 Washington, D.C. 20201 22 (202) 205-8702</p>	<p style="text-align: right;">Page 13</p> <p>1 A P P E A R A N C E S (Cont'd) 2 3 On behalf of New York City and all New York 4 Counties except Nassau and Orange: 5 6 AARON D. HOVAN, ESQ. 7 Kirby McInerney LLP 8 830 Third Avenue 9 New York, New York 10022 10 (212) 371-6600 11 ahovan@kmslaw.com 12 13 On behalf of the States of Wisconsin, Hawaii 14 and Kentucky: 15 16 BENJAMIN J. BLUSTEIN, ESQ. (via phone) 17 Miner, Barnhill & Galland 18 14 West Erie Street 19 Chicago, Illinois 60610 20 (312) 751-1170 21 bblustein@lawmbg.com 22</p>

4 (Pages 10 to 13)

<p style="text-align: right;">Page 14</p> <p>1 A P P E A R A N C E S (Cont'd)</p> <p>2</p> <p>3 On behalf of Ven-A-Care of the Florida</p> <p>4 Keys, Inc.:</p> <p>5</p> <p>6 JOSEPH C. WILSON, ESQ.</p> <p>7 Cotchett, Pitre & McCarthy</p> <p>8 San Francisco Airport Office Center</p> <p>9 840 Malcolm Road</p> <p>10 Burlingame, California 94010</p> <p>11 (650) 697-0577</p> <p>12 jwilson@cpmlegal.com</p> <p>13</p> <p>14 On behalf of Abbott Laboratories, Inc.:</p> <p>15</p> <p>16 DAVID TORBORG, ESQ.</p> <p>17 Jones Day</p> <p>18 51 Louisiana Avenue, N.W.</p> <p>19 Washington, D.C. 20001-2113</p> <p>20 (202) 879-3939</p> <p>21 dstorborg@jonesday.com</p> <p>22</p>	<p style="text-align: right;">Page 16</p> <p>1 A P P E A R A N C E S (Cont'd)</p> <p>2</p> <p>3 On behalf of Bristol-Myers Squibb:</p> <p>4</p> <p>5 DIANNE M. PETERSON, ESQ. (via phone)</p> <p>6 Hogan & Hartson</p> <p>7 875 Third Avenue</p> <p>8 New York, New York 10022</p> <p>9 (212) 918-3507</p> <p>10 dmpeterson@hhlaw.com</p> <p>11</p> <p>12 On behalf of Dey, Inc., Dey, L.P. and Mylan:</p> <p>13</p> <p>14 NEIL MERKL, ESQ.</p> <p>15 Kelley, Drye & Warren LLP</p> <p>16 101 Park Avenue</p> <p>17 New York, New York 10178</p> <p>18 (212) 808-7811</p> <p>19 nmerkl@kelleydrye.com</p> <p>20</p> <p>21</p> <p>22</p>
<p style="text-align: right;">Page 15</p> <p>1 A P P E A R A N C E S (Cont'd)</p> <p>2</p> <p>3 On behalf of Sandoz, Inc.:</p> <p>4</p> <p>5 DAVID L. KLEINMAN, ESQ. (via phone)</p> <p>6 White & Case LLP</p> <p>7 1155 Avenue of the Americas</p> <p>8 New York, New York 10036-2787</p> <p>9 (212) 819-2567</p> <p>10 dkleinman@whitecase.com</p> <p>11</p> <p>12 On behalf of Johnson & Johnson:</p> <p>13</p> <p>14 ERIK HAAS, ESQ.</p> <p>15 Patterson, Belknap, Webb & Tyler, LLP</p> <p>16 1133 Avenue of the Americas</p> <p>17 New York, New York 10036-6710</p> <p>18 (212) 336-2222</p> <p>19 ehaas@pbwt.com</p> <p>20</p> <p>21</p> <p>22</p>	<p style="text-align: right;">Page 17</p> <p>1 A P P E A R A N C E S (Cont'd)</p> <p>2</p> <p>3 On behalf of Roxane Laboratories and</p> <p>4 Boehringer Ingelheim:</p> <p>5</p> <p>6 ERIC GORTNER, ESQ.</p> <p>7 Kirkland & Ellis</p> <p>8 200 East Randolph Drive</p> <p>9 Chicago, Illinois 60601</p> <p>10 (312) 861-2285</p> <p>11 egortner@kirkland.com</p> <p>12</p> <p>13 On behalf of Aventis Pharmaceuticals and</p> <p>14 Sanofi Synthelabo:</p> <p>15</p> <p>16 JENNIFER H. MCGEE, ESQ.</p> <p>17 Shook, Hardy & Bacon, LLP</p> <p>18 600 Fourteenth Street, N.W.</p> <p>19 Suite 800</p> <p>20 Washington, D.C. 20005-2004</p> <p>21 (202) 783-8400</p> <p>22 jmcgee@shb.com</p>

Washington, DC

	Page 18		Page 20
1	A P P E A R A N C E S (Cont'd)	1	I N D E X O F E X A M I N A T I O N S
2	On behalf of Schering-Plough Corporation,	2	
3	Schering Corporation and Warrick	3	WITNESS NAME: PAGE
4	Pharmaceuticals Corporation:	4	KATHLEEN A. BUTO
5		5	By Mr. Torborg..... 028
6	C. SCOTT JONES, ESQ. (via phone)	6	
7	Locke, Liddell & Sapp	7	I N D E X O F E X H I B I T S
8	2200 Ross Avenue, Suite 2200	8	NUMBER DESCRIPTION PAGE
9	Dallas, Texas 75201	9	Exhibit Abbott 283, (No Bates)..... 037
10	(214) 740-8725	10	Exhibit Abbott 284, HHC015-0678 to 0688..... 099
11	sjones@lockeliddell.com	11	Exhibit Abbott 285, HHC902-1062 to 1067..... 106
12		12	Exhibit Abbott 286, HHC903-0178 to 0237..... 114
13	On behalf of Baxter Health Care and Baxter	13	Exhibit Abbott 287, HHC002-0540 to 0544..... 129
14	International:	14	Exhibit Abbott 288, HHC011-0866..... 152
15		15	Exhibit Abbott 289, HHD096-0003 TOP 0009..... 155
16	JARED D. RODRIGUES, ESQ. (via phone)	16	Exhibit Abbott 290, (No Bates)..... 172
17	EDEN M. HEARD, ESQ. (via phone)	17	Exhibit Abbott 291, (No Bates)..... 174
18	Dickstein Shapiro LLP	18	Exhibit Abbott 292, HHC002-0388 to 0399..... 209
19	1825 Eye Street, N.W.	19	Exhibit Abbott 293, HHC013-0553 TO 0555..... 214
20	Washington, D.C. 20006	20	Exhibit Abbott 294, HHC906-0093 to 0098..... 226
21	(202) 420-2571	21	Exhibit Abbott 295, HHC906-0166 to 0171..... 231
22	hearde@dicksteinshapiro.com	22	Exhibit Abbott 296, HHC003-0556..... 242
	Page 19		Page 21
1	A P P E A R A N C E S (Cont'd)	1	I N D E X O F E X H I B I T S
2		2	(CONTINUED)
3	ALSO PRESENT:	3	NUMBER DESCRIPTION PAGE
4		4	Exhibit Abbott 297, HHC906-0090 to 0098..... 248
5	RICK SANBORN, Videographer & Notary	5	Exhibit Abbott 298, (No Bates)..... 252
6	Public	6	Exhibit Abbott 299, (No Bates)..... 259
7	EMILY WATSON, legal assistant	7	Exhibit Abbott 300, (No Bates)..... 261
8		8	Exhibit Abbott 301, (No Bates)..... 263
9		9	
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Washington, DC

Page 275

1 UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF MASSACHUSETTS

3 - - - - -

4 IN RE: PHARMACEUTICAL) MDL NO. 1456

5 INDUSTRY AVERAGE WHOLESALE) CIVIL ACTION

6 PRICE LITIGATION) 01-CV-12257-PBS

7 THIS DOCUMENT RELATES TO)

8 U.S. ex rel. Ven-a-Care of) Judge Patti B.

9 the Florida Keys, Inc.) Saris

10 v.) Chief Magistrate

11 Abbott Laboratories, Inc.,) Judge Marianne B.

12 No. 06-CV-11337-PBS) Bowler

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14 (captions continue on following pages)

15
16
17 Videotaped deposition of Kathleen Buto

18 Volume II

19
20 Washington, D.C.

21 Thursday, September 13, 2007

22 9:00 a.m.

Washington, DC

<p style="text-align: right;">Page 276</p> <p>1 IN THE CIRCUIT COURT OF</p> <p>2 MONTGOMERY COUNTY, ALABAMA</p> <p>3 -----</p> <p>4 STATE OF ALABAMA,)</p> <p>5 Plaintiff,) Case No.</p> <p>6 vs.) CV-05-219</p> <p>7 ABBOTT LABORATORIES, INC.,) Judge Charles</p> <p>8 et al.,) Price</p> <p>9 Defendants.)</p> <p>10 -----</p> <p>11</p> <p>12</p> <p>13 STATE OF WISCONSIN CIRCUIT COURT</p> <p>14 DANE COUNTY</p> <p>15 -----</p> <p>16 STATE OF WISCONSIN,)</p> <p>17 Plaintiff,)</p> <p>18 vs.) CASE NO.</p> <p>19 AMGEN INC., et al.,) 04-CV-1709</p> <p>20 Defendants.)</p> <p>21 -----</p> <p>22</p>	<p style="text-align: right;">Page 278</p> <p>1 IN THE COURT OF COMMON PLEAS</p> <p>2 FIFTH JUDICIAL CIRCUIT</p> <p>3 -----</p> <p>4 STATE OF SOUTH CAROLINA, and) STATE OF</p> <p>5 HENRY D. McMASTER, in his official) SOUTH CAROLINA</p> <p>6 capacity as Attorney General for) COUNTY OF</p> <p>7 the State of South Carolina,) RICHLAND</p> <p>8 Plaintiffs,)</p> <p>9 vs.) Civil Action No.</p> <p>10 WARRICK PHARMACEUTICALS) 2006-CP-40-4390</p> <p>11 CORPORATION, et al.,) 2006-CP-40-4399</p> <p>12 Defendants.)</p> <p>13 -----</p> <p>14 STATE OF SOUTH CAROLINA, and) STATE OF</p> <p>15 HENRY D. McMASTER, in his official) SOUTH CAROLINA</p> <p>16 capacity as Attorney General for) COUNTY OF</p> <p>17 the State of South Carolina,) RICHLAND</p> <p>18 Plaintiffs,)</p> <p>19 vs.) Case No.</p> <p>20 ABBOTT LABORATORIES, INC.) 2006-CP-40-4394</p> <p>21 Defendant.)</p> <p>22 -----</p>
<p style="text-align: right;">Page 277</p> <p>1 UNITED STATES DISTRICT COURT</p> <p>2 DISTRICT OF MASSACHUSETTS</p> <p>3 -----</p> <p>4 THE COMMONWEALTH OF MASSACHUSETTS,)</p> <p>5 Plaintiff,)</p> <p>6 vs.) Civil Action No.</p> <p>7 MYLAN LABORATORIES, INC., et al.) 03-CV-11865-PBS</p> <p>8 Defendants.)</p> <p>9 -----</p> <p>10</p> <p>11 SUPERIOR COURT OF NEW JERSEY</p> <p>12 UNION COUNTY</p> <p>13 -----</p> <p>14 CLIFFSIDE NURSING HOME, INC., on)</p> <p>15 behalf of itself and all others)</p> <p>16 similarly situated, as defined)</p> <p>17 herein,) LAW DIVISION</p> <p>18 Plaintiffs,) DOCKET NO.</p> <p>19 vs.) UNN-L-2329-04</p> <p>20 DEY, INC., et al.,)</p> <p>21 Defendants.)</p> <p>22 -----</p>	<p style="text-align: right;">Page 279</p> <p>1 IN THE COURT OF COMMON PLEAS</p> <p>2 FIFTH JUDICIAL CIRCUIT</p> <p>3 -----</p> <p>4 STATE OF SOUTH CAROLINA, and) STATE OF</p> <p>5 HENRY D. McMASTER, in his official) SOUTH CAROLINA</p> <p>6 capacity as Attorney General for) COUNTY OF</p> <p>7 the State of South Carolina,) RICHLAND</p> <p>8 Plaintiffs,)</p> <p>9 vs.) Civil Action No.</p> <p>10 PAR PHARMACEUTICALS COMPANIES,) 2006-CP-40-7151</p> <p>11 INC.,) 2006-CP-40-7153</p> <p>12 Defendant.)</p> <p>13 -----</p> <p>14 STATE OF SOUTH CAROLINA, and) STATE OF</p> <p>15 HENRY D. McMASTER, in his official) SOUTH CAROLINA</p> <p>16 capacity as Attorney General for) COUNTY OF</p> <p>17 the State of South Carolina,) RICHLAND</p> <p>18 Plaintiffs,)</p> <p>19 vs.) Civil Action No.</p> <p>20 MYLAN LABORATORIES INC.) 2007-CP-40-0282</p> <p>21 Defendant.) 2007-CP-40-0283</p> <p>22 -----</p>

Washington, DC

<p style="text-align: right;">Page 280</p> <p>1 IN THE COURT OF COMMON PLEAS</p> <p>2 FIFTH JUDICIAL CIRCUIT</p> <p>3 -----</p> <p>4 STATE OF SOUTH CAROLINA, and) STATE OF</p> <p>5 HENRY D. McMASTER, in his official) SOUTH CAROLINA</p> <p>6 capacity as Attorney General for) COUNTY OF</p> <p>7 the State of South Carolina,) RICHLAND</p> <p>8 Plaintiffs,)</p> <p>9 vs.) Civil Action No.</p> <p>10 BARR PHARMACEUTICALS, INC.,) 2007-CP-40-0280</p> <p>11 Defendant.) 2007-CP-40-0286</p> <p>12 -----</p> <p>13 IN THE CIRCUIT COURT OF THE FIRST CIRCUIT</p> <p>14 STATE OF HAWAII</p> <p>15 -----</p> <p>16 STATE OF HAWAII,)</p> <p>17 Plaintiff,) Case No.</p> <p>18 vs.) 06-1-0720-04 EEH</p> <p>19 ABBOTT LABORATORIES, INC.,)</p> <p>20 et al.,) JUDGE EDEN</p> <p>21 Defendants.) ELIZABETH HIFO</p> <p>22 -----</p>	<p style="text-align: right;">Page 282</p> <p>1 IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS</p> <p>2 STATE OF MISSOURI</p> <p>3 -----</p> <p>4 STATE OF MISSOURI, ex rel.,)</p> <p>5 JEREMIAH W. (JAY) NIXON, Attorney)</p> <p>6 General, and MISSOURI DEPARTMENT)</p> <p>7 OF SOCIAL SERVICES, DIVISION OF)</p> <p>8 MEDICAL SERVICES,)</p> <p>9 Plaintiffs,) Case No.</p> <p>10 vs.) 054-1216</p> <p>11 DEY INC., DEY, L.P., MERCK KGaA,) Division No. 31</p> <p>12 EMD, INC., WARRICK)</p> <p>13 PHARMACEUTICALS CORPORATION,)</p> <p>14 SCHERING-PLOUGH CORPORATION, and)</p> <p>15 SCHERING CORPORATION,)</p> <p>16 Defendants.)</p> <p>17 -----</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>
<p style="text-align: right;">Page 281</p> <p>1 IN THE COURT OF THE SECOND JUDICIAL CIRCUIT</p> <p>2 IN AND FOR LEON COUNTY, FLORIDA</p> <p>3 THE STATE OF FLORIDA</p> <p>4 ex rel.</p> <p>5 -----</p> <p>6 VEN-A-CARE OF THE FLORIDA KEYS,)</p> <p>7 INC., a Florida Corporation, by and)</p> <p>8 through its principal officers and)</p> <p>9 directors, ZACHARY T. BENTLEY and)</p> <p>10 T. MARK JONES,)</p> <p>11 Plaintiffs,) Civil Action No.</p> <p>12 vs.) 98-3032G</p> <p>13 MYLAN LABORATORIES INC.; MYLAN)</p> <p>14 PHARMACEUTICALS INC.; NOVOPHARM) Judge William</p> <p>15 LTD., SCHEIN PHARMACEUTICAL, INC.;) L. Gary</p> <p>16 TEVA PHARMACEUTICAL INDUSTRIES)</p> <p>17 LTD.; TEVA PHARMACEUTICAL USA; and)</p> <p>18 WATSON PHARMACEUTICALS, INC.,)</p> <p>19 DEFENDANTS.)</p> <p>20 -----</p> <p>21</p> <p>22</p>	<p style="text-align: right;">Page 283</p> <p>1 COMMONWEALTH OF KENTUCKY</p> <p>2 FRANKLIN CIRCUIT COURT - DIV. II</p> <p>3 -----</p> <p>4 COMMONWEALTH OF KENTUCKY,)</p> <p>5 Plaintiff,) Civil Action No.</p> <p>6 vs.) 03-CI-1134</p> <p>7 ABBOTT LABORATORIES, INC., et al.,)</p> <p>8 Defendants.)</p> <p>9 -----</p> <p>10</p> <p>11</p> <p>12 COMMONWEALTH OF KENTUCKY</p> <p>13 FRANKLIN CIRCUIT COURT - DIV. I</p> <p>14 -----</p> <p>15 COMMONWEALTH OF KENTUCKY, ex rel.)</p> <p>16 GREGORY D. STUMBO, Attorney General)</p> <p>17 Plaintiff,) Civil Action No.</p> <p>18 vs.) 04-CI-1487</p> <p>19 ALPHAPHARMA, INC., et al.,)</p> <p>20 Defendants.)</p> <p>21 -----</p> <p>22</p>

3 (Pages 280 to 283)

<p style="text-align: right;">Page 284</p> <p>1 Washington, D.C. 2 Thursday, September 13, 2007 3 9:00 a.m. 4 5 Continued videotaped deposition of KATHLEEN 6 BUTO, called for examination by counsel for Abbott 7 Laboratories in the above-entitled matter, pursuant 8 to subpoena, taken at the law offices of Jones Day, 9 51 Louisiana Avenue, N.W., Washington, D.C. 10 20001-2113, before Jonathan Wonnell, a Registered 11 Professional Court Reporter, the witness having been 12 previously duly sworn by Rick Sanborn, a Notary 13 Public of the District of Columbia. 14 15 16 17 18 19 20 21 22</p>	<p style="text-align: right;">Page 286</p> <p>1 A P P E A R A N C E S (Cont'd) 2 3 On behalf of the State of California: 4 5 NICHOLAS N. PAUL, ESQ. (via phone) 6 Supervising Deputy Attorney General 7 Civil Prosecutions Unit 8 P.O. Box 85266 9 110 West A Street, #1100 10 San Diego, California 82186 11 (619)-688-6099 12 nicholas.paul@doj.ca.gov 13 14 On behalf of the State of Florida: 15 16 MARY S. MILLER, ESQ. (via phone) 17 Office of the Attorney General of 18 Florida 19 PL-01, The Capitol 20 Tallahassee, Florida 32399-1050 21 (850) 414-3600 22 mary_miller@oag.state.fl.us</p>
<p style="text-align: right;">Page 285</p> <p>1 A P P E A R A N C E S O F C O U N S E L 2 3 On behalf of the United States of America: 4 5 JUSTIN DRAYCOTT, ESQ. 6 U.S. Department of Justice 7 Civil Division 8 P.O. Box 261, Ben Franklin Station 9 Washington, D.C. 20044 10 (202) 305-9300 11 justin.draycott@usdoj.gov 12 13 On behalf of the U.S. Department of Health 14 and Human Services: 15 16 BRIAN A. KELLEY, ESQ. 17 U.S. Department of Health & Human 18 Services 19 Office of General Counsel, CMS Division 20 330 Independence Avenue, S.W., Room 5345 21 Washington, D.C. 20201 22 (202) 205-8702</p>	<p style="text-align: right;">Page 287</p> <p>1 A P P E A R A N C E S (Cont'd) 2 3 On behalf of New York City and all New York 4 Counties except Nassau and Orange: 5 6 AARON D. HOVAN, ESQ. 7 Kirby McInerney LLP 8 830 Third Avenue 9 New York, New York 10022 10 (212) 371-6600 11 ahovan@kmslaw.com 12 13 On behalf of the States of Wisconsin, Hawaii 14 and Kentucky: 15 16 BENJAMIN J. BLUSTEIN, ESQ. (via phone) 17 Miner, Barnhill & Galland 18 14 West Erie Street 19 Chicago, Illinois 60610 20 (312) 751-1170 21 bblustein@lawmbg.com 22</p>

<p style="text-align: right;">Page 288</p> <p>1 A P P E A R A N C E S (Cont'd)</p> <p>2</p> <p>3 On behalf of Ven-A-Care of the Florida</p> <p>4 Keys, Inc.:</p> <p>5</p> <p>6 JOSEPH C. WILSON, ESQ.</p> <p>7 Cotchett, Pitre & McCarthy</p> <p>8 San Francisco Airport Office Center</p> <p>9 840 Malcolm Road</p> <p>10 Burlingame, California 94010</p> <p>11 (650) 697-0577</p> <p>12 jwilson@cpmlegal.com</p> <p>13</p> <p>14 On behalf of Abbott Laboratories, Inc.:</p> <p>15</p> <p>16 DAVID TORBORG, ESQ.</p> <p>17 Jones Day</p> <p>18 51 Louisiana Avenue, N.W.</p> <p>19 Washington, D.C. 20001-2113</p> <p>20 (202) 879-3939</p> <p>21 dstorborg@jonesday.com</p> <p>22</p>	<p style="text-align: right;">Page 290</p> <p>1 A P P E A R A N C E S (Cont'd)</p> <p>2</p> <p>3 On behalf of Bristol-Myers Squibb:</p> <p>4</p> <p>5 DIANNE M. PETERSON, ESQ. (via phone)</p> <p>6 Hogan & Hartson</p> <p>7 875 Third Avenue</p> <p>8 New York, New York 10022</p> <p>9 (212) 918-3507</p> <p>10 dmpeterson@hhlaw.com</p> <p>11</p> <p>12 On behalf of Dey, Inc., Dey, L.P. and Mylan:</p> <p>13</p> <p>14 NEIL MERKL, ESQ.</p> <p>15 Kelley, Drye & Warren LLP</p> <p>16 101 Park Avenue</p> <p>17 New York, New York 10178</p> <p>18 (212) 808-7811</p> <p>19 nmerkl@kelleydrye.com</p> <p>20</p> <p>21</p> <p>22</p>
<p style="text-align: right;">Page 289</p> <p>1 A P P E A R A N C E S (Cont'd)</p> <p>2</p> <p>3 On behalf of Sandoz, Inc.:</p> <p>4</p> <p>5 DAVID L. KLEINMAN, ESQ. (via phone)</p> <p>6 White & Case LLP</p> <p>7 1155 Avenue of the Americas</p> <p>8 New York, New York 10036-2787</p> <p>9 (212) 819-2567</p> <p>10 dkleinman@whitecase.com</p> <p>11</p> <p>12 On behalf of Johnson & Johnson:</p> <p>13</p> <p>14 ERIK HAAS, ESQ.</p> <p>15 Patterson, Belknap, Webb & Tyler, LLP</p> <p>16 1133 Avenue of the Americas</p> <p>17 New York, New York 10036-6710</p> <p>18 (212) 336-2222</p> <p>19 ehaas@pbwt.com</p> <p>20</p> <p>21</p> <p>22</p>	<p style="text-align: right;">Page 291</p> <p>1 A P P E A R A N C E S (Cont'd)</p> <p>2</p> <p>3 On behalf of Roxane Laboratories and</p> <p>4 Boehringer Ingelheim:</p> <p>5</p> <p>6 ERIC GORTNER, ESQ.</p> <p>7 Kirkland & Ellis</p> <p>8 200 East Randolph Drive</p> <p>9 Chicago, Illinois 60601</p> <p>10 (312) 861-2285</p> <p>11 egortner@kirkland.com</p> <p>12</p> <p>13 On behalf of Aventis Pharmaceuticals and</p> <p>14 Sanofi Synthelabo:</p> <p>15</p> <p>16 JENNIFER H. MCGEE, ESQ.</p> <p>17 Shook, Hardy & Bacon, LLP</p> <p>18 600 Fourteenth Street, N.W.</p> <p>19 Suite 800</p> <p>20 Washington, D.C. 20005-2004</p> <p>21 (202) 783-8400</p> <p>22 jmcgee@shb.com</p>

Page 294

Exhibit Boxane 008, HHC016-0873..... 408

hearde@dicksteinshapiro.com

marked previously as Exhibit Abbott 295, which is

EXHIBIT K

30(b)(6) The United States (Bruce, Tamara)

00001

1 UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF MASSACHUSETTS
3 - - - - -X
4 IN RE: PHARMACEUTICAL : MDL NO. 1456
5 INDUSTRY AVERAGE WHOLESAL : CIVIL ACTION
6 PRICE LITIGATION : 01-CV-12257-PBS
7 THIS DOCUMENT RELATES TO: :
8 U.S. ex rel. Ven-a-Care of : Hon. Patti B. Saris
9 the Florida Keys, Inc. :
10 v. :
11 Dey, Inc., et al. :
12 No. 05-11084-PBS :
13 - - - - -X

Washington, D.C.
November 6, 2008

Videotaped 30(b)(6) Deposition of THE UNITED STATES by TAMARA BRUCE, a witness herein, called for examination by counsel for Dey, Inc., et al., in the above-entitled matter, pursuant to notice, the witness being duly sworn by SUSAN L. CIMINELLI, a

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1 Notary Public in and for the District of Columbia,
2 taken at the offices of Kelley, Drye & Warren LLP,
3 3050 K Street, N.W., Washington, D.C., at 9:17 a.m.,
4 and the proceedings being taken down by Stenotype by
5 SUSAN L. CIMINELLI, CRR, RPR, and transcribed under
6 her direction.
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APPEARANCES:

On behalf of Dey, Inc., Dey, LP and Dey LP, Inc.:
DOUGLAS JULIE, ESQ.
Kelley Drye & Warren LLP
101 Park Avenue
New York, NY 10178
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30(b)(6) The United States (Bruce, Tamara)

On behalf of the United States:

LAURIE OBEREMBT, ESQ.
United States Department of Justice
Civil Division
P. O. Box 261
Ben Franklin Station
Washington, D. C. 20044
(202) 305-9300

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APPEARANCES CONTINUED:

On behalf of the Centers for Medicare & Medicaid Services:

LESLIE STAFFORD, ESQ.
Centers for Medicare & Medicaid Services
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Mail Stop C2-05-23
Baltimore, MD 21244
(410) 786-9655

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C O N T E N T S

EXAMINATION BY	PAGE NO.
Mr. Julie	7

Afternoon session - 111

E X H I B I T S

DEY EXHIBIT NUMBER	PAGE NO.
Exhibit Dey 210 - Notice of 30(b)(6) deposition	6
Exhibit Dey 211 - Medicaid Drug Rebate Operational Training Guide Issued September 2001 - DEY-B00006569-6822	6
Exhibit Dey 212 - Medicaid Drug Rebate Operational Training Guide, September 2001	37
Exhibit Dey 213 - Medicaid Drug Rebate Dispute Resolution Program (DRP)	37

EXHIBIT L



**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE: PHARMACEUTICAL INDUSTRY	)	MDL NO. 1456
AVERAGE WHOLESALE PRICE)	
LITIGATION	)	CIVIL ACTION: 01-CV-12257-PBS
)	
	)	Judge Patti B. Saris
THIS DOCUMENT RELATES TO)	
<i>U.S. ex rel. Ven-A-Care of the Florida Keys,</i>	)	Magistrate Judge Marianne B. Bowler
<i>Inc. v. Abbott Laboratories, Inc., et al.</i>)	
No. 06-CV-11337-PBS)	

NOTICE OF DEPOSITION OF JOSEPH BRYANT

PLEASE TAKE NOTICE that, pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure, Abbott Laboratories, by its undersigned attorneys, will take the deposition of Joseph Bryant. Mr. Bryant has been designated by the United States to testify regarding the search for and production of documents in response to Defendant Abbott Laboratories, Inc.'s Requests for the Production of Documents and Tangible Things to Plaintiff United States of America.

The deposition will take place before a notary public, or any other officer authorized to administer oaths, at the office of Jones Day, 51 Louisiana Avenue, N.W., Washington, D.C., on November 15, 2007 beginning at 9:00 a.m. and continuing on successive days as necessary. Such deposition will be recorded by stenographic and/or sound and visual means.

The deposition is being taken for the purposes of discovery, for use at trial, and for such other purposes as permitted under the Federal Rules of Civil Procedure.

Dated: October 24, 2007

/s/ David S. Torborg
James R. Daly
Tina M. Tabacchi
Brian J. Murray
JONES DAY
77 West Wacker Drive, Suite 3500
Chicago, Illinois 60601
Telephone: (312) 782-3939
Facsimile: (312) 782-8585

R. Christopher Cook
David S. Torborg
JONES DAY
51 Louisiana Avenue, N.W.
Washington, D.C. 20001-2113
Telephone: (202) 879-3939
Facsimile: (202) 626-1700

Counsel for Defendant Abbott Laboratories, Inc.

CERTIFICATE OF SERVICE

I, David S. Torborg, an attorney, hereby certify that I caused a true and correct copy of the foregoing NOTICE OF DEPOSITION OF JOSEPH BRYANT to be served upon all counsel of record electronically by causing same to be posted via LexisNexis, this 24th day of October, 2007.

/s/ David S. Torborg
David S. Torborg

EXHIBIT L-1

CMS 30(b)(6) - Joseph Bryant

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

- - - - -
IN RE: PHARMACEUTICAL) MDL NO. 1456
INDUSTRY AVERAGE WHOLESALE) CIVIL ACTION
PRICE LITIGATION) 01-CV-12257-PBS
THIS DOCUMENT RELATES TO)
U.S. ex rel. Ven-a-Care of) Judge Patti B. Saris
the Florida Keys, Inc.)
v.) Chief Magistrate
Abbott Laboratories, Inc.,) Judge Marianne B.
No. 06-CV-11337-PBS) Bowler
- - - - -

Videotaped 30(b)(6) deposition of CMS (JOSEPH BRYANT)

Washington, D.C.
Thursday, November 15, 2007
9:00 a.m.

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Videotaped 30(b)(6) deposition of CMS (JOSEPH BRYANT) at the law offices of Jones Day, 51 Louisiana Avenue, N.W., Washington, D.C. 20001-2113, the proceedings being recorded stenographically by Jonathan Wonnell, a Registered Professional Court Reporter and Notary Public of the District of Columbia, and transcribed under his direction.

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A P P E A R A N C E S O F C O U N S E L

On behalf of the United States of America:
JUSTIN DRAYCOTT, ESQ.
CLAIRE NORSETTER, ESQ.
ANI MARTINEZ, ESQ.
U.S. Department of Justice
Civil Division

CMS 30(b)(6) - Joseph Bryant
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A P P E A R A N C E S (Cont'd)

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On behalf of Dey, Inc., Dey L.P., Inc.
And Dey L.P.:
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Boehringer Ingelheim:
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Chicago, Illinois 60601
(312) 469-7087
jheck@kirkland.com

ALSO PRESENT:
CONWAY BARKER, Videographer

CMS 30(b)(6) - Joseph Bryant

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I N D E X O F E X A M I N A T I O N S

WITNESS NAME	PAGE
CMS (JOSEPH BRYANT)	
By Ms. Ramsey.....	010
By Ms. Szel ag.....	286

7

I N D E X O F E X H I B I T S

NUMBER	DESCRIPTION	PAGE
Exhibi t Abbott 394,	Abbott's Notice of 30(b)(6) Deposition of Plaintiff U.S.A.....	036
Exhibi t Abbott 395,	Notice of Deposition of Joseph Bryant.....	095
Exhibi t Abbott 396,	Organizational chart for CMM.....	096
Exhibi t Abbott 397,	Bailey e-mail to Austin et al. 4/3/07 re: document preservation.....	077
Exhibi t Abbott 398,	Bailey e-mail to Austin et al. 4/3/07 re: request for production.....	077

0007

I N D E X O F E X H I B I T S (CONT.)

NUMBER	DESCRIPTION	PAGE
Exhibi t Abbott 399,	List of offices within CMS and contact individual.....	155
Exhibi t Abbott 400,	CMS File Source Log as of 11/7/07.....	155
Exhibi t Abbott 401,	Search terms lists.....	155
Exhibi t Abbott 402,	One-page document entitled Claims Data.....	155

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P R O C E E D I N G S

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THE VIDEOGRAPHER: In the United States